

Form F68A Application for Consent to the Alteration of Eligibility Rules of an Organisation by General Manager

IN FAIR WORK AUSTRALIA

FWA use only

FWA Matter No.:

APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION BY GENERAL MANAGER

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009—paragraph 125B (1) (a)

Applicant Organisation

Name:	Australian Municipal, Administrative, Clerical and Services Union		
	ABN:	28519971998	
Address:	Ground Floor, 116 – 124 Queensberry Street		
Suburb:	Carlton South	State: VIC	Postcode: 3053
Contact person:	David Smith		
	Title Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
Telephone:	03 9342 1400	Mobile:	
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The Applicant applies for consent to the alteration of the eligibility rules of the organisation to extend them to apply to persons within the eligibility rules of an association of employees that is registered under a State or Territory industrial law as follows:

Proposed alteration to eligibility rules

1. It is proposed to alter the eligibility rules of the Australian Municipal, Administrative, Clerical and Services Union (“ASU”) to extend them to apply to persons within the eligibility rules of Queensland Services, Industrial Union of Employees (“QSU”) as follows:

PART XXIV

- (a) The Union, in the State of Queensland, shall consist of and be open to employees who are employed in the State of Queensland as:-
 - (i) Architects and Naval Architects.
 - (ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
 - (iii) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
 - (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating

Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.

- (v) Tracers.
- (vi) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
- (vii) Technical Assistants and Technical Officers.
- (viii) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
- (ix) Scientists and scientific assistants (other than those employed by the Crown).
- (x) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).
- (xi) Such other persons appointed full-time officers, industrial officers or Organisers of the Queensland Services, Industrial Union of Employees, shall be admitted as Associate Members of the Union.

Before any applicant may be admitted to membership of the Union in the State of Queensland, the person shall:

- 1. Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Union; or
 - 2. Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Union; or
 - 3. Be undergoing a course of training in a profession or calling covered by the Union; or
 - 4. Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Union.
- (b) (i) The Union in the State of Queensland shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
- 1. employees who are principally engaged in administrative and/or clerical duties;
 - 2. employees who are principally engaged in professional and/or managerial duties;
 - 3. employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 - 4. employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;

5. employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.
- (ii) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule b(i) hereof shall not be eligible for membership of the Union and shall not be represented by the Union.
- (c) The Union in the State of Queensland shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work in the State of Queensland; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individual’s families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, group work, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

- (d) (i) All salaried employees of the Commissioner for Railways employed in the State of Queensland shall be eligible for membership.
- (ii) In addition, this Union in the State of Queensland shall be composed of persons who are full time officers of the Queensland Services, Industrial Union of Employees, life members of the Queensland Services, Industrial Union of Employees, associate members of the Queensland Services, Industrial Union of Employees and employees employed in the State of Queensland by the Queensland Railways in the following list of callings:

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen

Checkers (All Grades)
Goods Shed Employees
Storemen
Yard Foreman
Yard Supervisors
Traffic Foremen
Ticket Inspectors
Traffic Inspectors

Charwomen
Quarters Attendants
Waiting Room Attendants
Weighbridgemen
Flagmen
Advertising Branch Wages Staff
Labourers

Any other employee, employed in the State of Queensland, who is entitled to vote for the traffic employee's representative on the Appeal Board.

2. It is proposed to alter the eligibility rules of the ASU to extend them to apply to persons within the eligibility rules of New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union ("NSW USU") as follows:

PART XXV

- (a) The Union in the State of New South Wales shall consist of an unlimited number of persons, employed in the State of New South Wales, who are -

(i) employees of:

1. Municipal, Shire and County Councils;
2. any contractor to any such Council;
3. anybody, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
4. anybody, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
5. any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of the Union in accordance with this Part XXV or eligible to become members in accordance with this Part XXV;

- (ii) employees of Waste Planning and Management Boards and the successors;
- (iii) employees of Australian Health Management Group Pty Ltd and their successors;
- (iv) persons upon whom life membership of the USU has been conferred in accordance with these Rules;
- (v) persons who while being members of the Union, in accordance with this Part XXV, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules;
- (vi) persons, whether employed in the industry or not, who have been elected or appointed officers of the USU, and who have been admitted as members of the USU.

- (b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, and engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work

whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

3. It is proposed to alter the eligibility rules of the ASU to extend them to apply to persons within the eligibility rules of Australian Services Union of New South Wales (“NSW ASU”) as follows:

PART XXVI

- (a) The Union in the State of New South Wales shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and
- (b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and
- (c) The Union in the State of New South Wales shall consist of any person, employed in the State of New South Wales, on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union in the State of New South Wales, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the NSW Services Union.
- (d) The Union in the State of New South Wales shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittes of the functions, whole or in part of the Hunter Water Corporation employed in the State of New South Wales; and
- (e) The Union in the State of New South Wales shall consist of:-
 - (i) Persons of good character who are employed in the State of New South Wales:
 - on the salaried staff of the Commissioner for Railways; or
 - on the salaried staff of the Commissioner for Government Transport; or
 - on the salaried staff of the Commissioner for Motor Transport; or
 - on the salaried staff of The Electricity Commission of New South Wales; or
 - as salaried staff in connection with air transport;
 - (ii) Persons who, while being of any class specified in part (i) above and while being members of the Union, are temporarily regressed to the wages staff of the employer;

- (iii) Persons who are employed on the staff of the NSW Services Union and who become and remain members of the NSW Services Union pursuant to the Rules;
- (iv) Persons who become associate life members of the NSW Services Union pursuant to sub-rule (b) of Rule 24 of these Rules of the NSW Services Union, or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and
- (f) Any person who is an employee or officer of the NSW Services Union in the State of New South Wales is eligible to belong to the NSW Services Union.

4. It is proposed to alter the eligibility rules of the ASU to extend them to apply to persons within the eligibility rules of Amalgamated ASU (SA) State Union (“SA ASU”) as follows:

PART XXVII

- (a) Any person employed as a lawyer in the State of South Australia is entitled to be a member of the Union together with such other persons, whether lawyers or not, as have been elected to the council of the SA Union and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;
 - (i) any person who is a principal in a firm of legal practitioners;
 - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
 - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
 - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
 - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting the generality of the foregoing or being limited in any way by the foregoing members of the Union in the State of South Australia shall be open to;
 - (i) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

1. in any clerical capacity
2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.

4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
5. as salesman, tracer, draughtsman, or in any similar technical capacity.
6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
7. engaged outside an office in any clerical capacity or as a metre reader;
8. engaged as depot superintendent by any Oil Company;
9. engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
10. engaged as two-way radio operator in connection with a fleet of motor vehicles;
11. engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
12. engaged in any combination of the above.

- (c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Union shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work in the State of South Australia:

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
 SA Health Commission Act 1967
 SA Housing Trust Act 1963-73
 SA College of Advanced Education Act 1982
 Children Services Act 1984
 Alcohol and Drug Addicts Treatment Board Act 1961-71
 Mental Health Act 1935-74
 Parks Community Centre Act 1981
 Or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Union shall also be open to persons who have been appointed officers of the SA Union whether employed in the occupation and industries referred to in rule 5 eligibility.

Compliance with section 158A of the *Fair Work (Registered Organisations Act) 2009* (Cth)

5. The alteration has been made in accordance with the rules of the ASU.
6. The action taken under the rules of the ASU to alter the rules was:

- (a) At the National Executive meeting on 18th of July 2012 the agenda included a draft 158A application for discussion by the National Executive.
- (b) The National Executive instructed the National Secretary to progress the 158A application in consultation with Branch Secretaries.
- (c) Consultation was completed with the Branch Secretaries on the 19th October 2012. in accordance with rule 49 ;
- (d) On 12th November 2012 the wording of the proposal for amendment was forwarded by the National Secretary to the Branch Secretaries and to the National Executive members 14 days prior to the National Executive meeting in accordance with rule 49;
- (e) On 22nd October 2012 the National Secretary gave 24 days notice of the National Executive meeting to be held on 26th November 2012 in accordance with rule 8(g);
- (f) On 26th November 2012 the National Executive convened with a quorum in accordance with rule 8(i);
- (g) At the meeting, the National Executive passed unanimously the following resolution:

“The National Executive having considered the proposal to alter the eligibility rules of the ASU under section 158A of FW(RO)A, in accordance with rule 49, resolves that the National Secretary is directed to make application to alter the eligibility rules of the ASU in accordance with the proposal”;

“The National Executive, directs the National Secretary, in the event that Fair Work Australia determines in relation to the 158A application to only award in part the amendments sought in the proposal, to as necessary amend the application to alter the eligibility rule to reflect the FW determination.”

- 7. The ASU is a federal counterpart of the:
 - a. QSU;
 - b. NSW USU;
 - c. NSW ASU; and
 - d. SA ASU.

(the “relevant state associations”).

- 8. The proposed alteration of the eligibility rules of the ASU will not extend the eligibility rules of the ASU beyond the rules of the relevant state associations in the State concerned.
- 9. The alteration of the eligibility rules will not apply respectively outside the limits of the State in which the relevant state association is registered.

Compliance with Regulation 125A of the *Fair Work (Registered Organisation) Regulations 2009 (Cth)*

- 10. The QSU actively represents the class or classes of employees to which the extension of eligibility rules will apply.

11. The QSU is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:
 - a. organising and recruitment activity;
 - b. representing employees in negotiations with employers;
 - c. representing employees in industrial bodies;
 - d. obtaining and maintaining award conditions; and
 - e. collective bargaining.
12. The class of employees to which the extension of the eligibility rules will apply is covered by the QSU's eligibility rules.
13. The QSU is not subject to a representation order, a State demarcation order or a demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the extension of eligibility rules will apply
14. The NSW USU actively represents the class or classes of employees to which the extension of eligibility rules will apply.
15. The NSW USU is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:
 - a. organising and recruitment activity;
 - b. representing employees in negotiations with employers;
 - c. representing employees in industrial bodies;
 - d. obtaining and maintaining award conditions; and
 - e. collective bargaining.
16. The class of employees to which the extension of the eligibility rules will apply is covered by the NSW USU's eligibility rules.
17. The NSW USU is not subject to a representation order, a State demarcation order or a demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the extension of eligibility rules will apply, other than arises out of the memorandum of understanding between the USU and Construction Forestry Mining Energy Union (New South Wales).
18. The NSW ASU actively represents the class or classes of employees to which the extension of eligibility rules will apply.
19. The NSW ASU is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:
 - a. organising and recruitment activity;
 - b. representing employees in negotiations with employers;
 - c. representing employees in industrial bodies;
 - d. obtaining and maintaining award conditions; and
 - e. collective bargaining.
20. The class of employees to which the extension of the eligibility rules will apply is covered by the NSW ASU's eligibility rules.

21. The NSW ASU is not subject to a representation order, a State demarcation order or a demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the extension of eligibility rules will apply
22. The SA ASU actively represents the class or classes of employees to which the extension of eligibility rules will apply.
23. The SA ASU is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:
 - a. organising and recruitment activity;
 - b. representing employees in negotiations with employers;
 - c. representing employees in industrial bodies;
 - d. obtaining and maintaining award conditions; and
 - e. collective bargaining.
24. The class of employees to which the extension of the eligibility rules will apply is covered by the SA ASU's eligibility rules.
25. The SA ASU is not subject to a representation order, a State demarcation order or a demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the extension of eligibility rules will apply.
26. I declare the facts contained in this application are to the best of my knowledge true and correct.

Date: 24 December 2012



.....
David Smith
National Secretary
Australian Municipal, Administrative, Clerical and
Services Union

Note 1: The application must:

1. be accompanied by a copy of the rules of the organisation and a copy of the rules of the association to which the organisation is the federal counterpart; and
2. set out the alteration, the reasons for the alteration and the effect of the alteration in sufficient detail to enable the General Manager to satisfy himself or herself that:
 - (a) the alteration has been made under the rules of the organisation; and
 - (b) the organisation is a federal counterpart of the association; and
 - (c) the alteration will not extend the eligibility rules of the organisation beyond those of the association; and
 - (d) the alteration will not apply outside the limits of the State or Territory for which the association is registered; and

(e) the association of employers or employees actively represents the class or classes of employers or employees to which the extension of eligibility rules will apply.

3. include a declaration:

(a) that the alteration was made in accordance with the rules of the organisation; and

(b) describing the action taken under the rules of the organisation to make the alteration; and

(c) verifying the facts stated in the application.

Note 2: An application must be sealed with the Common Seal of the organisation or be signed by a person authorised to sign the application. See regulation 13 of the *Fair Work (Registered Organisations) Regulations 2009*.

Note 3: An organisation that has a website must publish on the website a notice that it has lodged the application.

**APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY
RULES OF AN ORGANISATION BY GENERAL MANAGER**

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009—paragraph 125 B(1)(a)

DECLARATION

I, David Smith, of 116-124 Queensberry Street, Carlton South in the State of Victoria declare as follows:

1. The Australian Municipal, Administrative, Clerical and Services Union (“ASU”) is an organisation registered pursuant to the *Fair Work (Registered Organisations) Act 2009*. (“FW(RO)A”).
2. I am the National Secretary of the ASU and I am authorised to make this Declaration.
3. The National Executive of the ASU has resolved to alter the eligibility rule of the ASU in accordance with section 158A of FW(RO)A (“the application”).
4. Section 9A of the FW(RO)A provides for a federally registered organisation to be the “federal counterpart” of a state registered industrial association.
5. The ASU is pursuant to Section 9A, Regulation 8A and Schedule 1A, a federal counterpart of the:
 - (a) Queensland Services Industrial Union of Employees (“QSU”);
 - (b) New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union (“USU”);
 - (c) Australian Services Union of N.S.W. (“NSW Services Union”); and
 - (d) Amalgamated ASU (SA) State Union (“ASU (SA)”).(“the state associations”).
6. I annexe hereto and mark as a bundle “**DS1**” a copy of the rules of each of the:
 - (a) QSU;
 - (b) USU;
 - (c) NSW Services Union; and
 - (d) ASU (SA).
7. I annexe hereto and mark as a bundle “**DS2**” a copy of the eligibility rules of each of the:
 - (a) QSU;
 - (b) USU;
 - (c) NSW Services Union; and
 - (d) ASU (SA).

8. The ASU is seeking, by the application, to amend its eligibility rules by as much of the text of the respective:
 - (a) QSU;
 - (b) USU;
 - (c) NSW Services Union; and
 - (d) ASU (SA),as provides extended eligibility coverage for the ASU.
9. The proposed changes to the eligibility rule of the ASU make clear that the proposed changes do not apply outside the state for which the respective state association is registered and to which state association the change relates.
10. Copies of each of the proposed rule changes are annexed hereto and marked as bundle “DS3”.
11. The eligibility rules of the ASU, as amended by the application, will not, insofar as the eligibility of the respective state association are concerned, apply outside the state in which the respective state association is registered.

Amendment in accordance with the ASU rules

12. The proposed amendment of the ASU’s eligibility rule has been made in accordance with the rules of the ASU.
13. The action taken under the rules of the ASU to alter the rules was:
 - (a) At the National Executive meeting on 18th of July 2012 the agenda included a draft 158A application for discussion by the National Executive.
 - (b) The National Executive instructed the National Secretary to progress the 158A application in consultation with Branch Secretaries.
 - (c) Consultation was completed with the Branch Secretaries on the 19th October 2012. in accordance with rule 49 ;
 - (d) On 12th November 2012 the wording of the proposal for amendment was forwarded by the National Secretary to the Branch Secretaries and to the National Executive members 14 days prior to the National Executive meeting in accordance with rule 49;
 - (e) On 22nd October 2012 the National Secretary gave 24 days notice of the National Executive meeting to be held on 26th November 2012 in accordance with rule 8(g);
 - (f) On 26th November 2012 the National Executive convened with a quorum in accordance with rule 8(i);
 - (g) At the meeting, the National Executive passed unanimously the following resolution:

“The National Executive having considered the proposal to alter the eligibility rules of the ASU under section 158A of FW(RO)A, in accordance with rule 49, resolves that the National Secretary is directed to make application to alter the eligibility rules of the ASU in accordance with the proposal”;

“The National Executive, directs the National Secretary, in the event that Fair Work Australia determines in relation to the 158A application to only award in part the amendments sought in the proposal, to as necessary amend the application to alter the eligibility rule to reflect the FW determination.”

14. I annex hereto and mark as a bundle “**DS4**” the documents referred to in paragraph 13.
15. In each of the states in which one of the state associations is registered, there is a system of dual registration. That is an industrial relations system operates in the state jurisdiction concerned, and that industrial system provides for the registration of organisations.
16. I am, as the National Secretary of the ASU, aware of how each of the state associations operates and how the association’s administration works in conjunction with the ASU.
17. I am as the National Secretary of the ASU aware the members of the state associations set out in the left hand column are also members of the Branch of the ASU set out in the right hand column:

Queensland Services Industrial Union of Employees	Queensland (Services and Northern Administrative) Branch
New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Union	New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch
Australian Services Union of N.S.W.	NSW & ACT (Services) Branch
Amalgamated ASU (SA) State Union	South Australian and Northern Territory Branch

18. I am advised by each of the Branch Secretaries of the:

- (a) Queensland (Services and Northern Administrative) Branch;
- (b) NSW Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch;
- (c) NSW & ACT (Services) Branch; and
- (d) South Australian and Northern Territory Branch,

that they are also respectively the State Secretaries of the:

- (a) QSU;
- (b) USU;
- (c) NSW Services Union;
- (d) ASU (SA).

(“State Secretaries)

19. I am aware of the work performed by, and the types of employers of members of the ASU. Consequently I am aware of the nature of work performed by members and the types of employers of members of the state associations.

20. I have met each of the State Secretaries and discussed the making of this application with each of them.

21. As National Secretary I have inquired of each of the State Secretaries as to the industrial regulation and representation of members of their respective state associations and in particular how the following:

- (a) organising and recruitment activity;
- (b) representing employees in negotiations with employers;
- (c) representing employees in industrial bodies;
- (d) obtaining and maintaining award conditions; and
- (e) collective bargaining,

has been effected in their respective state.

22. In particular when making those inquiries I requested that the State Secretaries advise me in respect of the arrangements that existed in relation to members of the state associations prior to those members becoming national system employees.

23. I have set out below, insofar as each state association is concerned, the information I have been provided, and which I believe, from the respective State Secretaries.

QSU

24. The QSU actively represents, or has actively represented, the class or classes of employees to which the extension of eligibility rules will apply.

25. The QSU is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:

- (a) organising and recruitment activity;
- (b) representing employees in negotiations with employers;
- (c) representing employees in industrial bodies;
- (d) obtaining and maintaining award conditions; and
- (e) collective bargaining.

26. The relevant awards and agreements that “apply” to the eligibility the subject of the application include without limitation the following:

Electricity

- CS Energy Swanbank Power Station (Enterprise Bargaining) Agreement 2004 - Certified Agreement (C2141 - version 1)
- Working at MEB 1998 Certified Agreement (0015060)
- Electricity Generation, Transmission And Supply Award - State 2002 (E0140_040909_1 - version 1)
- Gladstone Power Station Award - State 2003 (G0170_040909_1 - version 1)

Public Sector

- Queensland Government - Department Of Families, Youth And Community Care - (0011769)
- State Government Department Certified Agreement 2009
- SEQ Water Enterprise Bargaining Certified Agreement 2009-2012
- Main Roads Enterprise Development Agreement

Rail/QR

- QR, Infrastructure Services Resurfacing Teams Certified Agreement 2004 (Q0270 - version 2)
- QR, Infrastructure Services Resleeping Teams - Certified Agreement 2004 (Q0258 - version 2)
- Queensland Rail, Infrastructure Services Group Major Rail Construction Management - Certified Agreement 2004 (Q0269 - version 1)
- QR Kuranda Scenic Railway Flexible Permanent Part-Time Guest Service Attendant - Certified Agreement 2003 (K0072 - version 1)
- Queensland Rail, Infrastructure Construction Track Laying Machine Gang Certified Agreement 2002 (Q0154 - version 2)
- Q Link Performance Linked Reward Scheme Certified Agreement (0015965)
- Queensland Rail Q Link Freight Certified Agreement 1998 (0015740)
- CI Supervisor Progression Agreement Certified Agreement (0014414)
- Queensland Rail Award - State Payment Of Allowances Brisbane Relief Employees Certified Agreement (0012600)
- Queensland Rail Express Freight (Terminal Operators) Certified Agreement 1998 (0012613)
- Queensland Rail Rollingstock Gainsharing Certified Agreement, 1997 (0011771)
- Queensland Rail Station And Yards Certified Agreement, 1997 (0011727)
- Queensland Rail Award - State 2003 (Q0111_040909_1 - version 1)

SACS

- Kids Help Line Counsellors - Certified Agreement 2004 (K0078 - version 1)

- The Queensland Community Services and Health Industries Training Council - Certified Agreement 2004 (Q0236 - version 1)
- Queensland Aids Council Incorporated Certified Agreement 2003 (Q0250 - version 1)
- The Queensland Working Women's Service Inc. Certified Agreement (Q0285 - version 1)
- Centacare - Amelia House And Belmont Respite Services And Sunnybank Aged Care Project - Certified Agreement 1999 (0015641)
- Centacare - Bribie Community Options Project And Waminda Respite Centre Certified Agreement 2000 (0014947)
- Centacare - South West Brisbane Community Options/Connections Certified Agreement 1999 (0014946)
- Catholic Social Response - Lifestyle Support Workers - Certified Agreement (0012148)
- Blue Care Enterprise Award - State 2004 (B0189_040909_1 - version 1)
- Cerebral Palsy League Of Queensland Award 2003 (C0579_040909_1 - version 1)
- Endeavour Foundation Enterprise Award - State 2005 (E0472_040909_1 - version 1)
- Royal Blind Foundation Award - State 2003 (R0210_040909_1 - version 1)

AAESDA/Technical

- Surveying (Private Practice) Award - State 2006 (S1225_040909_1 - version 1)
- Unitab Limited Employees Award - State 2003 (U0010_040909_1 - version 1)

27. I am advised by the State Secretary of the QSU that the QSU has been active in the Industrial Relations Commission of Queensland in ensuring that these awards were obtained and maintained so that the conditions they provide were industrially appropriate and contemporary.
28. I am further advised that State wage decisions were applied for and flowed on to these awards until the jurisdiction for the employees, covered by a relevant state award, was transferred to the Commonwealth, and those employees became national system employees whose industrial conditions became the subject of a relevant transitional or modern award.
29. I am advised by the State Secretary of the QSU that the QSU has been active in the workplaces of its members, and in the Industrial Relations Commission of Queensland, in ensuring that agreements have been made so that the conditions members enjoyed were industrially appropriate and contemporary.

30. I am advised by the State Secretary of the QSU that the QSU has been active in representing individual members, being members whose entitlement to membership relates to the eligibility the subject of the application, in those members' workplaces and in the Industrial Relations Commission of Queensland.
31. The class of employees to which the extension of the eligibility rules will apply is covered by the QSU's eligibility rules.
32. The QSU is not subject to any representation order, State demarcation order or demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the proposed eligibility rules will apply.
33. The QSU has sought and obtained registration initially as a Transitionally Registered Association and is now, in accordance with the FW(RO)A, a Transitionally Recognised Association ("TRA").
34. The QSU has utilised its status as a TRA for the purposes of industrially representing members of the QSU who would, but for the introduction of the WorkChoices Legislation in 2006, have been non national system employees.
35. I am as National Secretary, and former State Secretary of the QSU, aware that the QSU and the ASU have entered into Section 202 Agreements (now Section 151) following amalgamations of State Unions where the ASU did not have full eligibility in relation to one of the amalgamating parties. I am aware the Section 202 Agreements relate to members whose eligibility for membership is the subject of the application insofar as it relates to the QSU.

USU

36. The USU actively represents, or has actively represented, the class or classes of employees to which the extension of eligibility rules will apply.
37. The USU is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:
 - (a) organising and recruitment activity;
 - (b) representing employees in negotiations with employers;
 - (c) representing employees in industrial bodies;
 - (d) obtaining and maintaining award conditions; and
 - (e) collective bargaining.
38. The relevant awards and agreements that apply include as follows:

Energy Agreements

- Ausgrid Agreement 2010
- Essential Energy Enterprise Agreement 2011
- Endeavour Energy Enterprise Agreement 2010
- Essential Far West Electricity Enterprise Agreement 2011
- TransGrid Employees Agreement 2010
- Energex Union Collective Agreement 2011
- Ergon Energy Union Collective Agreement 2011

- Working at Powerlink 2011 Union Collective Agreement
- Eraring Energy Enterprise Agreement 2012
- Delta Electricity Employees Enterprise Agreement 2011
- Macquarie Generation Enterprise Agreement 2009
- Pacific Power – internal organising supporting documentation
- Electricity Commission of NSW – MOU – Award Restructuring Implementation – 29 January 1991
- D2008/101 – Deed of Agreement between CPSU & ASU – NSW Electricity Transmission and Generator Industry

Energy Awards

- Country Energy Enterprise Award 2004
- Delta Electricity Employees Award 2005
- Energy Australia Award 2004
- Eraring Energy Employees Consent Award 2004
- Integral Energy Conditions of Employment Award 2005
- Macquarie Generation Employees (State) Award 2005
- Transgrid Employees Award 2004

Local Government

- Local Government (State) Award
- City of Sydney Wages/Salary Award 2002
- Mid Coast County Council Enterprise Award 2004
- Newcastle City Council Employees' Award 2003
- In addition the USU is a party to all State Council Agreements in NSW

Water

- Essential Energy Far West Electricity Enterprise Agreement 2011
- Essential Water Enterprise Agreement 2011
- Midcoast County Council Enterprise Agreement 2012
- Riverina Water Council Enterprise Award 2010
- Goldenfields Water County Council Enterprise Award 2010

Miscellaneous

- Sydney Markets Limited Enterprise Agreement 2009

Private Sector

STATE

- School Support Staff (Catholic Independent Schools) (State) Award
- Graduate at Law (State) Award
- Clerical and Administrative Employees (John Fairfax Publications) Award 1997
- Clerical and Administrative Employees, Hire Cars and Taxis (State) Award

- Clerical and Administrative Employees Legal Industry (State) Award
- Mirror and Telegraph Publications Clerical Award 2000
- MM Kembla Products (Clerical and Administrative Temporaries) Enterprise Award
- Clerical Employees in Metropolitan Newspapers (State) Award
- TAB Clerical and Administrative Staff PhoneTAB Operators Award 2004
- Clerical and Administrative Employees in Permanent Building Societies (State) Award
- Quarrying Industry (State) Award
- Racecourse Totalisator (State) Award
- Clerical Employees in Retail (State) Award
- TAB Clerical and Administrative Casual Staff Award 2006
- Clerical and Administrative Employees in Temporary Employment Services (State) Award

Enterprise Agreements with the following National employers:

- Grace Bros
- K-Mart
- Armaguard
- The Ambulance Service of NSW
- Many of the International Airlines
- David Jones
- Woolworths
- Inghams
- NIB
- Steggles
- TNT
- HCF

39. I am advised by the State Secretary of the USU that the USU has been active in the Industrial Relations Commission of New South Wales in ensuring that these awards were obtained and maintained so that the conditions they provide were industrially appropriate and contemporary.
40. I am further advised that State wage decisions were applied for and flowed on to these awards until the jurisdiction for the employees, covered by a relevant state award, was transferred to the Commonwealth, and those employees became national system employees whose industrial conditions became the subject of a relevant transitional or modern award.
41. I am advised by the State Secretary of the USU that the USU has been active in the workplaces of its members, and in the Industrial Relations Commission of New South Wales, in ensuring that agreements have been made so that the conditions members enjoyed were industrially appropriate and contemporary.
42. I am advised by the State Secretary of the USU that the USU has been active in representing individual members, being members whose entitlement to membership relates to the eligibility the subject of the application, in those members' workplaces and in the Industrial Relations Commission of New South Wales.

43. The class of employees to which the extension of the eligibility rules will apply is covered by the USU's eligibility rules.
44. The USU is not subject to any representation order, State demarcation order or demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the proposed eligibility rules will apply, other than arises out of the memorandum of understanding between the USU and Construction Forestry Mining Energy Union (New South Wales) and Annexure hereto marked with "DS5".
45. The USU has sought and obtained registration initially as a Transitionally Registered Association and is now, in accordance with the FW(RO)A, a Transitionally Recognised Association ("TRA").
46. The USU has utilised its status as a TRA for the purposes of industrially representing members of the USU who would, but for the introduction of the WorkChoices Legislation in 2006, have been non national system employees.

NSW Services Union

47. The NSW Services Union actively represents, or has actively represented, the class or classes of employees to which the extension of eligibility rules will apply.
48. The NSW Services Union is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:
 - (a) organising and recruitment activity;
 - (b) representing employees in negotiations with employers;
 - (c) representing employees in industrial bodies;
 - (d) obtaining and maintaining award conditions; and
 - (e) collective bargaining.
49. The relevant awards and agreements that apply include as follows:
 - AN120532 – Sydney Water Award 2004 (NSW Award)
 - Sydney Water Enterprise Agreement 2009 – (Federal EBA -The replacement Agreement is currently being voted on)
 - Sydney Catchment Authority Consolidated Award 2012-2013 (NSW Award)
 - Maritime Authority of NSW (trading as NSW Maritime) Enterprise Agreement 2010-2013 – (NSW State Enterprise Agreement)
 - AN120505 – Social and Community Services Employees (State) Award (NSW Award/NAPSA)
 - AN120251 – Hunter Water Australia (State) Award (NSW Award)
 - AN120252 – Hunter Water Corporation Employees (State) Award 1999 (NSW Award)
 - Hunter Water Corporation Employees Enterprise Agreement 2012 (Federal EBA)
 - Enterprise Agreement for Hunter Water Australia Pty Limited General Employees (Federal EBA)
 - State Transit Authority Division of the New South Wales Government Service Senior and Salaried Officers' Enterprise (State) Award 2012 (NSW Award)

- AP818251 - Senior Officers - Rail, Bus and Ferries New South Wales Award 2002 (NSW Award)
- Railcorp Enterprise Agreement 2010 (Federal EBA)
- Sydney Ferries Salaried and Senior Officers Agreement 2011 (Federal EBA)
- ARTC (NSW) Enterprise Agreement 2012 (Federal EBA)
- AP818510 - Salaried Officers' (Railways - New South Wales) Award 2002 (NSW Award)

50. I am advised by the State Secretary of the NSW Services Union that the NSW Services Union has been active in the Industrial Relations Commission of New South Wales in ensuring that these awards were obtained and maintained so that the conditions they provide were industrially appropriate and contemporary.
51. I am further advised that State wage decisions were applied for and flowed on to these awards until the jurisdiction for the employees, covered by a relevant state award, was transferred to the Commonwealth, and those employees became national system employees whose industrial conditions became the subject of a relevant transitional or modern award.
52. I am advised by the State Secretary of the NSW Services Union that the NSW Services Union has been active in the workplaces of its members, and in the Industrial Relations Commission of New South Wales, in ensuring that agreements have been made so that the conditions members enjoyed were industrially appropriate and contemporary.
53. I am advised by the State Secretary of the NSW Services Union that the NSW Services Union has been active in representing individual members, being members whose entitlement to membership relates to the eligibility the subject of the application, in those members' workplaces and in the Industrial Relations Commission of New South Wales.
54. The class of employees to which the extension of the eligibility rules will apply is covered by the NSW Services Union's eligibility rules.
55. The NSW Services Union is not subject to any representation order, State demarcation order or demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the proposed eligibility rules will apply.
56. The NSW Services Union has sought and obtained registration initially as a Transitionally Registered Association and is now, in accordance with the FW(RO)A, a Transitionally Recognised Association ("TRA").
57. The NSW Services Union has utilised its status as a TRA for the purposes of industrially representing members of the NSW Services Union who would, but for the introduction of the WorkChoices Legislation in 2006, have been non national system employees.

ASU (SA)

58. The ASU (SA) actively represents, or has actively represented, the class or classes of employees to which the extension of eligibility rules will apply.
59. The ASU (SA) is engaged in the following activities in relation to the class of employees to which the extension of eligibility rules will apply:

- (a) organising and recruitment activity;
- (b) representing employees in negotiations with employers;
- (c) representing employees in industrial bodies;
- (d) obtaining and maintaining award conditions; and
- (e) collective bargaining.

60. The relevant awards and agreements that apply include as follows:

- Adelaide University Union Employees Award
- Adelaide Central Mission Constant Care Interim Award
- Blind Welfare Association Lottery Staff Award
- Bulk Handling of Grain Award
- Clerks (Clubs, Hotels & Motels) (SA) Award
- Clerks Metal Industry (SA) Award
- Clerks (Retail Industry) Award
- Clerks (SA) Award
- Credit Union Employees (SA) Award
- Disabilities Services Award
- Flinders University General Staff Award
- Health Services Award
- Metal Industry (SA) Award
- Natural Resources Management Boards Award
- Personal Assistants to the Members of the Parliament of SA Award
- RAA Assistance Centre Award (previously RAA Control Room Operators Award)
- Radio Rentals Ltd Superannuation Award
- Rehabilitation (Vocational) Interim Award
- Retail Industry South Australia Award
- Salaried Lawyers Award
- Social and Community Services Award
- South Australian Municipal, Salaried Officers Award
- South Australian Public Sector Employees Award*
- South Australian Totalizator Agency Board Award
- Taxi Telephonists & Radio Operators Award
- University of Adelaide General Staff Award
- Vehicle Industry (SA) Repair Service Award

61. I am advised by the State Secretary of the ASU (SA) that the ASU (SA) has been active in the Industrial Relations Commission of South Australia in ensuring that these awards were obtained and maintained so that the conditions they provide were industrially appropriate and contemporary.

62. I am further advised that State wage decisions were applied for and flowed on to these awards until the jurisdiction for the employees, covered by a relevant state award, was transferred to the Commonwealth, and those employees became national system employees whose industrial conditions became the subject of a relevant transitional or modern award.

63. I am advised by the State Secretary of the ASU (SA) that the ASU (SA) has been active in the workplaces of its members, and in the Industrial Relations Commission of South

Australia, in ensuring that agreements have been made so that the conditions members enjoyed were industrially appropriate and contemporary.

64. I am advised by the State Secretary of the ASU (SA) that the ASU (SA) has been active in representing individual members, being members whose entitlement to membership relates to the eligibility the subject of the application, in those members' workplaces and in the Industrial Relations Commission of South Australia.
65. The class of employees to which the extension of the eligibility rules will apply is covered by the ASU (SA)'s eligibility rules.
66. The ASU (SA) is not subject to any representation order, State demarcation order or demarcation undertaking or agreement, in favour of another organisation or association, in relation to the class of employees to which the proposed eligibility rules will apply.
67. I declare the facts contained in this application are to the best of my knowledge true and correct.
68. The facts stated in the application for consent to the alteration are true and correct.

AND I MAKE this declaration conscientiously believing that to the best of my knowledge the statements contained in this declaration are true and correct.

DATED: Monday, 24 December 2012



.....
David Smith
National Secretary
Australian Municipal, Administrative, Clerical and Services Union

Exhibit List – DS1

A copy of the rules of each of the:

- (a) QSU;
- (b) USU;
- (c) NSW Services Union; and
- (d) ASU (SA).

**RULES OF
QUEENSLAND SERVICES, INDUSTRIAL UNION OF EMPLOYEES**

Table of Contents

1	NAME	2
1A	PURPOSE	2
2	DEFINITIONS	2
3	REGISTERED OFFICE	4
4	OBJECTS/POWERS OF THE UNION	4
5	ELIGIBILITY FOR MEMBERSHIP	6
6	ALLOCATION OF MEMBERS TO INDUSTRY DIVISIONS	9
7	ADMISSION TO MEMBERSHIP	11
8	LIFE MEMBERSHIP	12
9	ASSOCIATE MEMBERSHIP	12
10	REGISTER OF MEMBERS	12
11	CHANGE OF RESIDENCE	13
12	RESIGNATION OF MEMBERSHIP	13
13	PURGING THE REGISTER	13
14	MISCONDUCT AND REMOVALS	13
15	MEMBERSHIP SUBSCRIPTIONS	17
16	LEVIES	19
17	UNFINANCIAL MEMBERS	19
18	PROPERTY OWNERSHIP	19
19	UNION FUNDS	20
20	DISBURSEMENT OF FUNDS	20
21	RECOVERY OF FUNDS	21
22	EXECUTIVE	21
23	EXECUTIVE MEMBERSHIP	21
24	POWERS AND DUTIES OF THE EXECUTIVE	21
25	UNION EMPLOYEES	22
26	MEETINGS OF THE EXECUTIVE	22
27	VOTING ON EXECUTIVE	23
28	EXECUTIVE SUB-COMMITTEES	23
29	COUNCIL	24
30	COUNCIL MEMBERSHIP	24
31	POWERS AND DUTIES OF COUNCIL	24
32	MEETINGS OF THE COUNCIL	24
33	VOTING ON COUNCIL	25
34	PRESIDENT	25
35	VICE-PRESIDENTS	25
36	DEPUTY PRESIDENT	26
37	TREASURER	26
38A	SECRETARY	26
38B	DEPUTY SECRETARY	27
38C	ASSISTANT SECRETARY	27
39	AUDITOR	27
40	RETURNING OFFICER	28
41	ELECTIONS	28
42	Definitions	31
43	Manager of election—functions and powers	32
44	Closing day and time for nominations	32
45	Starting and finishing days of ballot	33
46	Calling for nominations	33
47	Nomination procedure	33
48	What happens if a nomination is defective	34
49	When a ballot must be held	34
50	Election without ballot	34
51	Roll—preparation	34
52	Roll—inspection	35
53	When someone can claim a right to Vote	35

54	Ballot papers.....	35
55	Distributing voting material.....	36
56	Manager must keep a ballot box.....	36
57	Duplicate voting material.....	36
58	How long ballot is open.....	37
59	How to Vote.....	37
60	How many votes may be cast.....	38
61	How Manager must deal with voting material.....	38
62	Scrutineers—appointment.....	38
63	Scrutineers’ rights.....	38
64	Scrutineers—numbers attending.....	38
65	Initial scrutiny of voting material.....	39
66	Counting votes.....	40
67	Scrutineers’ objections.....	40
68	Direction by Manager to leave count.....	41
69	How result is decided.....	41
70	What happens if votes for 2 or more Candidates are equal.....	41
71	What happens if multiple nominee elected.....	41
72	EXEMPTION.....	41
73	CASUAL VACANCIES.....	42
74	SYNCHRONISATION AT ELECTIONS.....	43
75	INDUSTRY DIVISIONS.....	43
76	INDUSTRY SUB-DIVISIONS.....	43
77	SUB-BRANCHES.....	44
78	STEWARDS OR WORKPLACE REPRESENTATIVES, SHOP COMMITTEES AND REGIONAL COMMITTEES.....	44
79	MEETINGS OF THE UNION.....	45
80	BALLOTS/PLEBISCITES - CONTROL OF COUNCIL AND EXECUTIVE BY MEMBERS OF THE UNION.....	46
81	INSPECTION OF BOOKS.....	47
82	ARBITRATION PROCEEDINGS.....	47
83	INDEMNITY.....	47
84	AGREEMENTS AND EXECUTION OF DOCUMENTS/SEAL.....	47
85	AFFILIATION.....	48
86	ALTERATION OF RULES.....	48
87	STANDING ORDERS.....	48
88	RULES OF DEBATE.....	49
89	TRANSITION.....	51
	SCHEDULE A – INDUSTRY DIVISION COMMITTEE.....	60
	SCHEDULE B – INDUSTRY SUB-DIVISION COMMITTEE.....	65
	SCHEDULE C – SUB-BRANCH COMMITTEE.....	69

1 NAME

The name of the Union shall be the Queensland Services, Industrial Union of Employees, described in these rules as the "Union", the "Association", the "Guild" and the "Organisation".

1A PURPOSE

These rules provide for the rules of the Union formed by the amalgamation of:

- (a) the Federated Clerks’ Union of Australia, North Queensland Branch, Union of Employees; and
- (b) the Queensland Services, Industrial Union of Employees as it existed on the day immediately preceding Amalgamation Day.”

2 DEFINITIONS

- (a) The words and phrases set out in this rule shall have, for the purposes of these rules, the following meaning ascribed to them:

"Act" shall mean the Industrial Relations Act 1999 as amended from time to time or if repealed and replaced, then such replacement Act or Acts as amended from time to time.

“Amalgamation Day” means the day the Queensland Industrial Relations Commission fixes as the day the amalgamation of the Queensland Services Industrial Union of Employees and Federated Clerks’ Union of Australia, North Queensland Branch, Union of Employees starts.

“ASU” means the Australian Municipal, Administrative, Clerical and Services Union.

"Council" shall mean the Council of the Union as provided for in the Council Rule of these rules.

“Counterpart Federal Body” shall mean the Queensland (Services and Northern Administrative) Branch of the Australian Municipal, Administrative, Clerical and Services Union, an organisation registered under the Federal Act.”

“Election Procedure Rules” shall mean rules 42 – 71 of these rules.

“Electoral Officer” shall mean, except where these rules otherwise expressly provide an officer, employee or agent of the Electoral Commission Queensland.

"Executive" shall mean the Executive of the Union as provided for in the Executive Rule of these rules.

“Federal Act” means the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009 as amended from time to time or if repealed or replaced, then such replacement Act or Acts as amended from time to time.

“Financial Year” shall mean 1 July to 30 June in the following year.

“Industry Division” means any one of the following:

- (i) “Brisbane City Council Industry Division” means the Industry Division comprised of members employed by the Brisbane City Council;
- (ii) “Energy Industry Division” means the Industry Division comprised of all members employed by energy authorities and/or corporations engaged in the energy industry, excluding members in the Brisbane City Council Industry Division, Local Authorities Industry Division and Rail Industry Division;
- (iii) “Local Authorities Industry Division” means the Industry Division comprised of all members employed in local authorities and water entities other than the Brisbane City Council;
- (iv) “North Queensland Clerical and Administrative Industry Division” means the Industry Division comprised of all members that have either not been allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, Rail Industry Division, SACS Industry Division or who are not employed by ports and harbour authorities in the portion of the state of Queensland North of the 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast;
- (v) “Ports and Private Sector Industry Division” means the Industry Division comprised of all members employed by ports and harbour authorities together with all members not allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, Rail Industry Division, SACS Industry Division and North Queensland Clerical and Administrative Industry Division;
- (vi) “Rail Industry Division” means the Industry Division comprised of all members employed in the rail transport industry;
- (vii) “Social and Community Services Industry Division” means the Industry Division comprised of all members employed in community and social work other than members allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, North Queensland Clerical and Administrative Industry Division, Ports and Private Sector Industry Division and Rail Industry Division.”

"Rules of the Union" shall be inclusive of these rules, the Rules of the Industry Division, the Industry Sub-division and the Sub-branches.

"Secretary" shall mean the person who holds the office as provided for in the Secretary Rule of these rules.

“Union Journal” shall mean a publication produced or adopted by the Union and which is provided free of charge to the members of the Union by means of print or electronic media.

“Year of Election” means the calendar year in which an election occurs pursuant to the Elections Rule.

"Youth" shall mean a person who has not attained 28 years of age on the last day of the month immediately preceding the date of calling nominations for elections.

(b) Singular words appearing in these rules shall include the plural and plural words shall include the singular.

3 REGISTERED OFFICE

The Registered Office of the Union shall be at 32 Peel Street, South Brisbane, Queensland or such other place as may be determined by the Executive from time to time.

4 OBJECTS/POWERS OF THE UNION

(a) The objects of the Union are -

- (i) to uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members;
- (ii) to regulate and protect the conditions of labour, the relations between employees and employers and between employees and employees;
- (iii) to advance and protect the circumstances of the members generally or individually in their employment according to the principles of action and other relevant rules embodied within the constitution;
- (iv) to watch over, improve, foster and protect the interests of its members;
- (v) to obtain and maintain for its members reasonable hours of work and fair wages and industrial conditions;
- (vi) to obtain preferential treatment for members in all aspects of their employment;
- (vii) to improve the social and economic position of its members;
- (viii) to assist members or their families in distress;
- (ix) to formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business, or profession for the provision to the members of the Union of any special benefits, privileges and advantages and in particular in relation to goods and services;
- (x) to establish or to assist in establishing, or to negotiate with another body to establish a club for the social, literary, residential or recreational purposes of members, and for all other purposes of members lawfully permissible to a club and to do any act or thing incidental thereto;
- (xi) to establish, operate and maintain health services for the benefit of members of the Union and their families;
- (xii) to establish funds for the benefit of members, officers and employees or a particular class or group of members, officers and employees;
- (xiii) to establish Industry Divisions and Subdivisions and to establish Branches and Sub-branches;
- (xiv) to establish and/or maintain union and/or labour and trade union journals, newspapers and other publications and radio, television and/or other electronic broadcasting by any means including but not limited to the purchase of shares in a corporation carrying on such an activity;
- (xv) to provide information on industrial, economic, social, legal and political matters affecting members;
- (xvi) to assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other statutory enactment;

- (xvii) to provide pecuniary, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of the objects (including this object) or any one of them of the Union;
 - (xviii) to organise the training and education of members;
 - (xix) to assist kindred Unions;
 - (xx) to co-operate, affiliate, federate, amalgamate, merge with or absorb any association, organisation or union of employees whether registered or not pursuant to the Act;
 - (xxi) to co-operate, affiliate, federate, amalgamate, merge with or absorb any association, organisation or union of employees whether registered or not pursuant to the Federal Act;
 - (xxii) to establish a fund for the assistance and support of trade unionists;
 - (xxiii) to affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise any bona fide labour or trade union organisation or association or representative body or peak council which promotes or protects the cause of labour;
 - (xxiv) to establish, maintain and/or assist any body, corporation or association concerned with research into the industrial, economic, social, legal and political matters affecting members and the trade union movement;
 - (xxv) to promote goodwill amongst the various grades of Queensland Rail employees and to assist in the settlement of disputes;
 - (xxvi) to further the political objects of the Union which objects shall be determined by the membership of the Union through the Council, the Executive, and Industry Divisions of the Union.;
 - (xxvii) to act as agent for and on behalf of members and non members in a manner consistent with these objects and the rules of the Union and in the interests of members and to do all things necessary and incidental thereto;
 - (xxviii) to act as agent for and on behalf of members and non members when requested in relation to the negotiation of their terms and conditions of employment;
 - (xxix) to do any things incidental to or conducive to the carrying out of any of the objects as are necessary, expedient, desirable or advisable;
 - (xxx) none of these objects is to be read in such a way as to limit any other of these objects.
- (b) The following powers may be exercised in the attainment of the objects referred to in sub-paragraph a.:-
- (i) to provide funds from donations, levies, fines, contributions, fees, interest on capital and from any other moneys from which payment may be made for the purposes of those objects;
 - (ii) to invest funds, subject to obtaining appropriate security therefor;
 - (iii) to support co-operative ventures which are set up or which exist for purposes consistent with the objects of the Union;
 - (iv) to purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings or easements for any purpose connected with the objects;
 - (v) to borrow or raise or secure the payment of money in such manner as the Union may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way and to redeem or pay off such securities;
 - (vi) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union;
 - (vii) to undertake and do all such acts, matters and things as maybe necessary, incidental or conducive to the attainment of the objects or any of them;

(viii) none of these powers is to be read in such a way as to limit any other of these powers.

- (c) Without limiting the powers expressed in sub-rule (b) of this rule, the Union shall achieve its objects by the application of all lawful means available to it including industrial, political and legal avenues.
- (d) Without limiting the powers expressed in sub-rule (b) of this rule, the Union shall provide such funds and resources as it considers necessary for furthering its objects and any expenditure out of the funds of the Union in furtherance of any of the above objects shall be deemed to be part of the ordinary expenses of the Union.

5 ELIGIBILITY FOR MEMBERSHIP

PART I

The Association shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors, Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not together with such other persons as have been appointed officers of the Association and admitted as members thereof.

PART II

The association shall consist of and be open to:-

- (a) Architects and Naval Architects.
- (b) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
- (c) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
- (d) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
- (e) Tracers.
- (f) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
- (g) Technical Assistants and Technical Officers.
- (h) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
- (i) Scientists and scientific assistants (other than those employed by the Crown).
- (j) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).

- (k) Such other persons appointed full-time officers, industrial officers or Organisers of the Association, shall be admitted as Associate Members of the Association.

Before any applicant may be admitted to membership of the Association, he shall;

- (a) Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Association; or
- (b) Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Association; or
- (c) Be undergoing a course of training in a profession or calling covered by the Constitution; or
- (d) Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Constitution.

PART IIA

- (a) The Association shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
 - (i) employees who are principally engaged in administrative and/or clerical duties;
 - (ii) employees who are principally engaged in professional and/or managerial duties;
 - (iii) employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 - (iv) employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
 - (v) employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.
- (b) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule IIA(a) hereof shall not be eligible for membership of the Association and shall not be represented by the Association.

PART III

The Union shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution. Membership of the Union shall also include persons who have been appointed officers of the Union, whether employed in social welfare work or not.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individuals families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, groupwork, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

PART IV

The Union shall not, on and from the 22 November 2001 (for the purpose of this Part “agreement day”), be entitled to enrol into membership on and from agreement day persons who were up to and including the day immediately preceding agreement day eligible to become members of the Union only by the operation of this part (excluding this sub-clause), provided that the Union shall remain entitled to retain as members, and to continue to industrially represent, those persons who became members pursuant to this Part on or before the day immediately preceding agreement day and who were members of the Union on the day immediately preceding agreement day.

The Guild shall consist of an unlimited number of Sales Representatives, Commercial Travellers and Van Salesmen who apply to become members and remain as such in accordance with these rules.

For the purpose of these rules members shall be generally a person employed substantially away from the employer’s business, in or for the purpose of selling by soliciting orders for promoting business through merchandising or any other means for wholesale and without limiting the ordinary meaning of the foregoing shall include:-

Persons employed substantially away from the employer’s business:-

- (a) for the purpose of selling by soliciting wholesale orders for articles, goods, services, merchandise or materials.
 - (i) for wholesale
 - (ii) for use in connection with the production and/or preparation and/or distribution of commodities for wholesale
- (b) for the purpose of selling by soliciting wholesale orders for building material and supplies from building, tiling, painting, glazing or electrical contractors.
- (c) for the purpose of selling by soliciting wholesale orders for technical and commercial services.
- (d) for the purpose of promoting wholesale business by any means whatsoever, excluding clerical employees.
- (e) for the purpose of selling by soliciting orders for advertising space, for newspapers, radio, cinema and television.
- (f) for the purpose of soliciting orders for finance for investment in registered Building Societies.
- (g) for the purpose of creating and/or soliciting orders for printing and/or any work appertaining to a printing establishment.

Persons engaged in the calling of Van Salesmen shall for the purpose of these rules be deemed to be Sales Representatives and/or Commercial Travellers.

The Guild shall also be composed of persons who are full time officers of the Guild, employees of the Guild and life members.

The Guild shall raise funds by contributions, levies, fines and donations for the objects hereinafter specified.

PART V

- (a) All salaried employees of the Commissioner for Railways for the State of Queensland shall be eligible for membership.
- (b) In addition, this Union shall be composed of persons who are full time officers of the Union, life members, associate members, persons who are duly proposed and accepted by the Council of the Union employed by the Queensland Railways in the following list of callings:-

LIST OF CALLINGS

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners

Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants
Yard Foreman	Weighbridgemen
Yard Supervisors	Flagmen
Traffic Foremen	Advertising Branch Wages Staff
Ticket Inspectors	Labourers
Traffic Inspectors	

Any other employee who is entitled to vote for the traffic employees representative on the Appeal Board.

PART VI

The following persons shall be eligible for membership who are persons resident in Queensland north of 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast:

Persons male and female employed either wholly or partially in the pursuit or vocation of writing engrossing typing and/or calculating whether by ordinary means or by means of any process or machine calculated to achieve a like result and/or in invoicing charging, billing, checking or otherwise dealing with records, writings, correspondence, books and accounts or in any other clerical capacity whatsoever and/or cashiers and/or telephonists and/or superintendents, canvassers and/or Collectors and/or Inspectors employed by Life Insurance Companies and/or Fire and Accident Insurance Companies operating in the State of Queensland and/or Funeral Benefit Canvassers and/or Collectors.

Provided that persons employed at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) and engaged in clerical work shall not be eligible for membership.

Nothing in this Part shall make eligible for membership, any employee employed in or in connection with tourist resorts situated on islands off the coast of Queensland north of 24 degrees 30 minutes of south latitude, as part of the island tourist resort industry, other than employees (eligible to become a member of the Union in accordance with these rules) of employers whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided on an off shore island.

Notwithstanding any other provision of this Part, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.

6 ALLOCATION OF MEMBERS TO INDUSTRY DIVISIONS

- (a) On, and from, Amalgamation Day in 2011, the Union is to be divided into Industry Divisions as provided for in this sub-rule, and each member of the Union shall be attached to the relevant Industry Division in accordance with the following:
- (i) Brisbane City Council Division

All members employed by the Brisbane City Council;
 - (ii) Energy Industry Division

All members employed by energy authorities and/or corporations engaged in the energy industry, excluding members in the Brisbane City Council Industry Division, Local Authorities Industry Division and Rail Industry Division;
 - (iii) Local Authorities Industry Division

All members employed in local authorities and water entities other than the Brisbane City Council;
 - (iv) North Queensland Clerical and Administrative Industry Division

All members that have either not been allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, Rail Industry Division, SACS Industry Division or who

are not employed by ports and harbour authorities in the portion of the state of Queensland North of the 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast;

(v) Ports and Private Sector Industry Division

All members employed by ports and harbour authorities together with all members not allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, Rail Industry Division, SACS Industry Division and North Queensland Clerical and Administrative Industry Division;

(vi) Rail Industry Division

All members employed in the rail transport industry;

(vii) Social and Community Services Industry Division

All members employed in community and social work other than members allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, North Queensland Clerical and Administrative Industry Division, Ports and Private Sector Industry Division.

(b) On, and from, the declaration of the Executive elections in 2007, the Union shall be divided into Industry Divisions as provided for in this sub-rule, and each member of the Union shall be allocated to the relevant Industry Division in accordance with the following:

(i) Energy Industry Division

All members employed by energy authorities or engaged in the energy industry, excluding any member employed by any local authority or by Queensland Rail, shall be allocated to the Energy Industry Division.

(ii) Local Authorities Industry Division

All members employed by Local Authorities, other than those employed by the Brisbane City Council, shall be allocated to the Local Authorities Industry Division.

(iii) Brisbane City Council Industry Division

All members employed by the Brisbane City Council shall be allocated to the Brisbane City Council Industry Division.

(iv) Rail Industry Division

All members employed in the rail transport industry shall be allocated to the Rail Industry Division.

(v) Social & Community Services Industry Division

All members employed in community and social welfare work, other than members allocated to the Local Government Industry Division, Brisbane City Council Industry Division, Energy Industry Division, the Rail Industry Division or who are employed by ports and harbour authorities, shall be allocated to the Social & Community Services Industry Division.

(vi) Ports and Private Sector Industry Division

All members employed by ports and harbour authorities together with all other members, subject to sub-rule (b) of this rule and who are not members otherwise allocated to the Local Government Industry Division, Brisbane City Council Industry Division, Energy Industry Division, the Social & Community Services Industry Division or the Rail Industry Division, shall be allocated to the Ports/Private Sector Industry Division.

(c) All members who are not otherwise members of an Industry Division and who are officers or employees of the Union shall be allocated to an Industry Division by the Executive. The Executive in determining such allocation shall take into account any industry or industry division association, involvement or affinities of such member, whether historical or current. Such member shall be deemed to be employed in the industry of that Industry Division for all purposes under these rules.

- (d) Any dispute arising out of the application of this rule shall be referred by the Secretary to the Executive for determination and the decision of the Executive shall be final.
- (e) The industries in which the Union shall operate are those industries in relation to which Industry Divisions have been provided for by this rule, and more particularly and without limiting the generality of the foregoing, the industry in which the Union shall operate in relation to the Rail Industry Division shall be that industry described as the Railway Transport Industry and ancillary industries in the State of Queensland whether Governmental, semi-Governmental or private.

7 ADMISSION TO MEMBERSHIP

- (a) Applications for membership of the Union shall be:
 - (i) in the form determined by the Executive (for this rule the “application form”);
 - (ii) accompanied by the material required, if any, by the Executive; and
 - (iii) signed by the applicant.
- (b) The Executive may publish the application form, determined in accordance with sub-rule (a) of this rule, by the means it considers appropriate.
- (c) Applicants for membership are to provide the completed application form to the Secretary.
- (d) Application forms may be provided to the Secretary by:
 - (i) hard copy; or
 - (ii) facsimile; or
 - (iii) email; or
 - (iv) completion on-line.
- (e) The Secretary may waive the completion of the application form, by an applicant, may accept an application that is in some other form or may accept applications that are made by phone.
- (f) The Union may, without limitation to this rule, publish application forms, and accept applications for membership, by means of the internet, and in relation to any applications received by means of the internet the provisions of the Electronic Transactions (Queensland) Act 2001 apply and an applicant for membership shall be taken to have signed the application form if the requirements of s14 of the Electronic Transactions (Queensland) Act 2001 are met.
- (g) No omission, irregularity or want of form shall invalidate an application for membership provided that the:
 - (i) applicant for membership intended to apply for membership; and
 - (ii) Union treated it as an application for membership.
- (h) Upon receipt by the Secretary of an application, the applicant for membership shall, subject to the provisions of these rules, become a member of the Union from the date of receipt of the application.
- (i) The Secretary may refer an application by an applicant for membership to the Executive for its determination, and must do so within 5 days of being required to by the President or the Executive.
- (j) The Executive may reject an application for membership if they do not accept the applicant as bona fide, provided that where an application for membership is rejected any monies paid by the applicant for membership shall be reimbursed.
- (k) Upon the acceptance of an application, the applicant shall be liable for all prescribed fees and dues from the date of acceptance, unless otherwise determined by the Executive, provided that in circumstances where an application has been referred to the Executive by the Secretary, fees may be tendered and collected prior to acceptance of the application by the Executive subject to reimbursement in accordance with sub-rule (j) of this rule.

- (l) Applicants for membership shall be informed in writing of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the Union.
- (m) This rule does not prevent the application for membership being a joint application with the ASU.
- (n) The Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (o) Applicants for membership shall, when admitted to membership in accordance with this rule, enjoy all the advantages of membership of the Union so long as they comply with these rules, are financial in accordance with these rules or the rules otherwise provide.
- (p) An applicant for membership on being admitted, and becoming financial in accordance with these rules, shall be entitled to request, and receive, a copy of these rules.
- (q) Despite sub-rule (p) of this rule the Secretary may, if the member making the request has an email address, email the rules to the member and/or direct the member to access the rules on the Union's website.

8 LIFE MEMBERSHIP

- (a) The Council may confer Life Membership of the Union upon a financial member who Council considers merits Life Membership by reason of outstanding service to the Union.
- (b) A Life Member shall be obliged to pay all money due and owing by the member to the Union up to the date upon which Life Membership is conferred but thereafter shall not be obliged to pay to the Union any subscription or levy, but in all other respects, whilst employed in a calling which falls within the eligibility rule of these rules, shall be deemed to be financial for all purposes under these rules, and shall be entitled to enjoy the benefits and exercise the entitlements of a financial member.
- (c) Upon ceasing to be employed in a calling which falls within the eligibility rule of these rules, by reason of retirement from employment, a Life Member shall:
 - (i) not be entitled to nominate or be nominated for any office;
 - (ii) not be entitled to vote in a ballot;
 - (iii) be entitled to attend meetings of the Union convened under the rules;
 - (iv) if in attendance at a meeting of the Union, be entitled to move or second motions and to vote.
- (d) Life Membership may be relinquished at any time upon notifying the Secretary in writing.
- (e) A Life Member may resign membership of the Union in accordance with the provisions of the resignation rule of these rules and may charge and be charged as a member in accordance with the provisions of the misconduct and removals rule of these rules.

9 ASSOCIATE MEMBERSHIP

- (a) Any Member who has resigned from membership of the Union by reason of ceasing to be eligible to become or be a member may, upon application to the Secretary, become an Associate Member.
- (b) An Associate Member shall not be entitled to vote in any election or ballot of the Union, or to nominate any persons to hold any office in the Union, or to hold any office in the Union but shall otherwise receive such benefits of membership of the Union as may be determined from time to time by the Executive.
- (c) An Associate Member who recommences employment in a calling which falls within the eligibility rule of the Union, shall not be entitled to remain an Associate Member, but shall be entitled to again become a member of the Union.
- (d) An Associate Member may resign membership of the Union in accordance with the provisions of the resignation rule of these rules.

10 REGISTER OF MEMBERS

A register of the names, Industry Divisions, ordinary place of residence and so far as is known the postal addresses of members of the Union and of the names, postal addresses, places of employment and occupations of the members of the Executive and Council shall be kept by the Secretary.

11 CHANGE OF RESIDENCE

Any member changing place of employment or residence or terminating employment shall report the new place of employment or residence or termination to the Secretary within 14 days of effecting such change.

12 RESIGNATION OF MEMBERSHIP

- (a) A member may terminate membership of the Union by written notice addressed and delivered to the Secretary.
- (b) Notification of such resignation shall be taken as duly given if:-
 - (i) it is left at the registered office of the Union; or
 - (ii) it is addressed to the Union, or any officer thereof, and sent by post to the registered office of the Union.
- (c) If a member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the Union in accordance with these rules.
- (d) If the member does not specify in such notification a day or time at which the resignation is to be effective, then the notice of resignation takes effect on the day on which the notice is received.
- (e) Termination of membership by resignation does not affect the liability of the member or former member to pay such fees or levies as may have been owing at the date of resignation, and such moneys may be sued for and recovered in the name of the Union.
- (f) Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation takes effect shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation takes effect.
- (g) A member resigning from the Union who has complied with this rule, shall on the member's written application be issued with a clearance certificate by the Secretary.
- (h) A member, being aware of the death of any other member, shall notify the Secretary.

13 PURGING THE REGISTER

The Secretary shall from time to time strike off the Register of Members the names of all members owing subscriptions, fines or levies for a period of 52 weeks or more, but such members so struck off shall not be free from liability for arrears due.

14 MISCONDUCT AND REMOVALS

- (a) Members
 - (i) A member shall:
 - (A) not divulge any of the Union's confidential business to someone not entitled to know the same;
 - (B) not contravene or fail to observe any of the rules of the Union;
 - (C) not contravene or fail to observe any resolution or direction of the Council or Executive;
 - (D) not defraud or attempt to defraud the Union;
 - (E) not make a false charge against a fellow member;

- (F) not violate or attempt to violate the terms of any applicable industrial award or agreement or enter or attempt to enter into any agreement with any employer or any employee thereof contrary to the provisions of any applicable industrial award or agreement secured by the Union;
 - (G) not be offensive or abusive or behave in an unseemly manner towards another member;
 - (H) not assist, encourage, or promote, any breach of the foregoing duties and/or responsibilities by any other person or member;
 - (I) not misappropriate any property of the Union;
 - (J) promptly pay to the Union all monies which may become owing by the member to the Union and promptly account to the Union for any property of the Union that comes into the possession of the member at any time.
- (ii) A member, other than the holder of an elected office under these rules, charged by another member (such charge to be in writing, signed by the charging member and delivered to the Secretary), with being in breach of the rules may be summoned to a special meeting of the Executive. A member so charged shall be given one month's notice of the meeting at which the charge is to be considered and of the particulars of the charge made and shall be heard at such meeting if so requested. The member charged shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.
 - (iii) The intention of the Executive to consider a charge in relation to the alleged misconduct of such member shall be stated in the notice convening such a meeting. The matter may be dealt with in the absence of the member charged should the member fail to attend the meeting without reasonable explanation.
 - (iv) If the Executive determines that the charge has been proven and further that the member has failed to provide a satisfactory explanation to the Executive in relation to such charge, the Executive may, subject to Parts (v) and (vi) of this sub-rule expel the member from the Union, suspend the membership of the member for a period not exceeding 12 months or fine the member an amount not exceeding one year's subscription.
 - (v) A decision to expel or suspend or fine a member must be agreed upon by a two-thirds majority vote of the members of the Executive present at such meeting.
 - (vi) Any member who has been expelled or suspended or fined by the Executive shall have the right to appeal to the Council. A member who has been suspended who wishes to appeal shall advise the Secretary within 30 days of being advised of the finding of the Executive and the Secretary shall convene a Special Meeting of the Council to be held within 30 days. Provided that where the Annual Council meeting is to be held within 60 days of the appeal being lodged the appeal shall be heard at that meeting. Where an appeal is lodged the decision of the Executive shall not take effect until after the matter has been determined by the Council. At the Council meeting the Secretary on behalf of the Executive shall state the offence with which the member is charged and, if requested by the appellant, the appellant shall be heard. The meeting may decide the appeal notwithstanding the absence of the member appealing.
 - (vii) A member suspended from membership of the Union shall be liable to pay and shall pay all subscriptions, fines and levies accruing or becoming payable by such member to the Union during the period of suspension, but shall not be entitled to any rights or privileges of membership during that period, to the same effect as if the membership of the member had been terminated.
 - (viii) Where a member is fined such member shall pay to the Union the amount of the fine within 3 months of the fine being imposed. If the full amount of the fine is not paid within 3 months the member shall be deemed to be unfinancial for the purposes of these rules.
- (b) Office Bearers
- (i) Any member of the Executive or Council charged by a member of the Executive or Council (such charge to be made in writing signed by the charging member and delivered to the President or Secretary) with misappropriation of the funds of the Union, a substantial breach of these rules or of gross misbehaviour or gross neglect of duty shall be summoned to a special meeting of the Executive called to consider the charge to be held within 30 days of the receipt of such charge. The member charged shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.

- (ii) The matter may be dealt with in the absence of the member charged should that member fail to attend the meeting, without reasonable explanation.
- (iii) The intention of the Executive to consider such a charge shall be stated in the notice convening such a meeting which shall be forwarded so as to allow 14 clear days notice of the meeting.
- (iv) A member of the Council or Executive found guilty of a charge by a two-thirds majority vote of the members of the Executive present and voting at the special meeting held in accordance with Parts (i) to (iii) of this sub-rule shall forthwith cease to be a member of the Executive or Council.
- (v) An Officer found guilty of a charge by a two-thirds majority vote of the members of Executive present and voting at the special meeting held in accordance with Parts (i) to (iii) of this sub-rule shall cease to hold such office and a casual vacancy shall be deemed to exist.
- (vi) Where in accordance with (iv) or (v) of this sub-rule a vacancy occurs, such vacancy shall be filled in accordance with the casual vacancies rule of these rules.
- (vii) Provided that any member of the Executive or Council who has been found guilty of a charge which would result in that member's removal from office shall have the right to appeal to the Council against the decision.
- (viii) A member who wishes to appeal shall advise the Secretary within 30 days of the decision of the Executive and if an appeal is lodged the removal from office shall not take effect until the appeal is determined by the Council.
- (ix) The Secretary shall upon receipt of notice of intention to appeal call a meeting of the Council to consider and determine the appeal and such appeal shall be conducted in the manner provided for in sub-rule (a)(vi) of this rule.
- (x) For the purposes of this sub-rule, if the complaint is against the Secretary, then the Deputy Secretary, or if there is no Deputy Secretary, the Assistant Secretary, shall take all such steps and do all such things, as the Secretary would otherwise be required to take or do pursuant to the sub-rule and in taking or doing such things shall act with the power of the Secretary.

(c) Industry Division Committee

- (i) Any member of an Industry Division Committee charged by a member of the Industry Division Committee (such charge to be made in writing signed by the charging member and delivered to the Secretary) with misappropriation of the funds of the Union, a substantial breach of the rules of the Union or of gross misbehaviour or gross neglect of duty shall be summoned to a special meeting of the Executive called to consider the charge to be held within 30 days of the receipt of such charge. The member charged shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.
- (ii) The matter may be dealt with notwithstanding failure of the member charged to attend the meeting, without reasonable explanation.
- (iii) The intention of the Executive to consider such a charge shall be stated in the notice convening such a meeting which shall be forwarded so as to allow 14 clear days notice of the meeting.
- (iv) A member of an Industry Division Committee found guilty of a charge by a two-thirds majority vote of the members of the Executive present and voting at the special meeting called in accordance with arts (i) to (iii) of this sub-rule shall forthwith cease to be a member of the Industry Division Committee.
- (v) Where in accordance with Part (iv) of this sub-rule a vacancy occurs such vacancy shall be filled in accordance with the casual vacancies rule of these rules.
- (vi) Provided that any member of an Industry Division Committee who has been found guilty of a charge which would result in that member's removal from office shall have the right to appeal to the Council against the decision.
- (vii) A member who wishes to appeal shall advise the Secretary within 30 days of the decision of the Executive and if an appeal is lodged the removal from office shall not take effect until the appeal is determined by the Council.

(viii) The Secretary shall upon receipt of notice of intention to appeal call a meeting of the Council to consider and determine the appeal and such appeal shall be conducted in the manner provided for in sub-rule (a)(vi) of this rule.

(d) Industry Sub-division Committee

(i) Any member of an Industry Sub-division Committee charged by a member of the Industry Sub-division Committee (such charge to be made in writing signed by the charging member and delivered to the Secretary) with misappropriation of the funds of the Union, a substantial breach of the rules of the Union or of gross misbehaviour or gross neglect of duty shall be summoned to a special meeting of the Executive called to consider the charge to be held within 30 days of the receipt of such charge. The member charged shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.

(ii) The matter may be dealt with notwithstanding failure of the member charged to attend the meeting, without reasonable explanation.

(iii) The intention of the Executive to consider such a charge shall be stated in the notice convening such a meeting which shall be forwarded so as to allow 14 clear days notice of the meeting.

(iv) A member of an Industry Sub-division Committee found guilty of a charge by a two-thirds majority vote of the members of the Executive present and voting at the special meeting called in accordance with Parts (i) to (iii) of this sub-rule shall forthwith cease to be a member of the Industry Sub-division Committee.

(v) Where in accordance with Part (iv) of this sub-rule a vacancy occurs such vacancy shall be filled in accordance with the casual vacancies rule of these rules.

(vi) Provided that any member of an Industry Sub-division Committee who has been found guilty of a charge which would result in that member's removal from office shall have the right to appeal to the Council against the decision.

(vii) A member who wishes to appeal shall advise the Secretary within 30 days of the decision of the Executive and if an appeal is lodged the removal from office shall not take effect until the appeal is determined by the Council.

(viii) The Secretary shall upon receipt of notice of intention to appeal call a meeting of the Council to consider and determine the appeal and such appeal shall be conducted in the manner provided for in sub-rule (a)(vi) of this rule.

(e) Sub-branch Committee

(i) Any member of a Sub-branch Committee charged by a member of the Sub-branch Committee (such charge to be made in writing signed by the charging member and delivered to the Secretary) with misappropriation of the funds of the Union, a substantial breach of the rules of the Union or of gross misbehaviour or gross neglect of duty shall be summoned to a special meeting of the Executive called to consider the charge to be held within 30 days of the receipt of such charge. The member charged shall be allowed to cross-examine the member making the charge and to give an explanation of any relevant conduct.

(ii) The matter may be dealt with notwithstanding failure of the member charged to attend the meeting, without reasonable explanation.

(iii) The intention of the Executive to consider such a charge shall be stated in the notice convening such a meeting which shall be forwarded so as to allow 14 clear days notice of the meeting.

(iv) A member of a Sub-branch Committee found guilty of a charge by a two-thirds majority vote of the members of the Executive present and voting at the special meeting called in accordance with Parts (i) to (iii) of this sub-rule shall forthwith cease to be a member of the Sub-branch Committee.

(v) Where in accordance with Part (iv) of this sub-rule a vacancy occurs such vacancy shall be filled in accordance with the casual vacancies rule of these rules.

(vi) Provided that any member of a Sub-branch Committee who has been found guilty of a charge which would result in that member's removal from office shall have the right to appeal to the Council against the decision.

- (vii) A member who wishes to appeal shall advise the Secretary within 30 days of the decision of the Executive and if an appeal is lodged the removal from office shall not take effect until the appeal is determined by the Council.
- (viii) The Secretary shall upon receipt of notice of intention to appeal call a meeting of the Council to consider and determine the appeal and such appeal shall be conducted in the manner provided for in sub-rule (a)(vi) of this rule.

15 MEMBERSHIP SUBSCRIPTIONS

- (a) For the purposes of this rule:
 - (i) "Instalment Scheme" means one of the following types of payment schemes:
 - (A) PRD Scheme;
 - (B) Direct Debit Scheme;
 - (C) Credit Card Scheme; or
 - (D) Other Scheme.
 - (ii) "PRD Scheme" means a scheme where a member provides written authority to their employer for the payment of their annual subscription to the Union to be deducted, on such regular basis as the Executive determines, from the member's salary.
 - (iii) "Direct Debit Scheme" means a scheme where a member provides written authority for the payment of their annual subscription to the Union to be deducted, on such regular basis as the Executive determines, from the member's bank account or similar debit account.
 - (iv) "Credit Card Scheme" means a scheme where a member provides written authority for the payment of their annual subscription to the Union, on such regular basis as the Executive determines, from the member's credit card.
 - (v) "Other Scheme" means any other scheme authorised by the Executive and agreed to by the member whereby the member can pay their annual subscription by instalments. and
 - (vi) "Membership Category" means the following categories of membership in relation to which the Executive shall determine the proportion of the annual membership fee payable by a member in accordance with this rule:
 - (A) Full Time Adult Member;
 - (B) Full Time Junior Member (persons under 21 years);
 - (C) Part Time Adult Member working more than 20 hours and less than 30;
 - (D) Part Time Junior Member (persons under 21 years) working more than 20 hours and less than 30;
 - (E) Part Time Adult Member working more than 10 hours and less than 20;
 - (F) Part Time Junior Member (persons under 21 years) working more than 10 hours and less than 20;
 - (G) Part Time Adult Member working less than 10 hours;
 - (H) Part Time Junior Member (persons under 21 years) working less than 10 hours
 - (I) Trainee Member;
 - (J) Associate Member; and
 - (K) Retired Member.
- (b) The Executive may determine an annual membership fee.
- (c) The annual subscription to be paid by a member will be the proportion of the annual membership fee as determined by the Executive as applicable to the Membership Category of the member concerned.
- (d) (i) A member shall, in accordance with this rule, pay to the Union their annual subscription in advance or by an Instalment Scheme, and where paying in advance shall be financial from the date the payment is received, and shall remain financial for the financiality period calculated in accordance with the following formula:

member's payment x 1 = financiality period (expressed in 1/52 of member's subscription fee weeks)
- (ii) If a member making a payment in advance pursuant to sub-part (i) was financial when making the further payment, then the financiality period shall commence from the end of the period that the member was financial.

- (e) The Executive may determine to discount fees paid in advance or by means of an Instalment Scheme.
- (f) If the Executive determines to provide a discount in accordance with sub-rule (e) of this rule they must promptly publish that discount to the members by means of the Union Journal.
- (g) The Executive will determine the terms on which a member pays their annual subscription to the Union by:
 - (i) PRD Scheme;
 - (ii) Direct Debit Scheme;
 - (iii) Credit Card Scheme; or
 - (iv) Other Scheme,

and a member, to remain financial, in accordance with these rules must comply with the terms of the respective:

- (v) PRD Scheme;
- (vi) Direct Debit Scheme;
- (vii) Credit Card Scheme; or
- (viii) Other Scheme,

as the case may be.

- (h) If a member is, in accordance with the terms determined by the Executive in accordance with sub-rule (g) of this rule, paying their annual subscription by means of an Instalment Scheme then, subject to these rules, the member will be financial on, and from, the date the first payment is received or the date the agreement is entered into whichever is the later, and will remain a financial Member for so long as they comply with the terms of the respective:
 - (i) PRD Scheme;
 - (ii) Direct Debit Scheme;
 - (iii) Credit Card Scheme; or
 - (iv) Other Scheme,

as the case may be.

- (i) In special circumstances, the obligation of a member to pay their:
 - (i) annual subscription;
 - (ii) levies; or
 - (iii) fines,
 (for the purposes of this rule “the monies owed”) may be waived by the Executive:
 - (iv) on the application of a member; and
 - (v) on the recommendation of the Secretary,
 provided that the Executive may delegate this power to the Secretary and the Secretary shall report all waivers to the Executive.

- (j) A waiver provided for by sub-rule (i) of this rule:

- (i) may be for the whole, or for part, of the monies owed; and
- (ii) must be for the benefit of the Union.

- (k) The Executive may, without limitation to sub-rule (i) of this rule, exempt a member from the payment of their annual subscription during the period of an extended absence by the member from their employment on leave without pay, on terms and conditions as the Executive sees fit, provided that the Executive shall only grant such an exemption upon:

- (i) written application made by the member; and
- (ii) for the period the member is on leave without pay, provided that the Executive may delegate this power to the Secretary and the Secretary shall report all waivers to the Executive.

- (l) A member who has been granted a waiver in accordance with sub-rules (i) or (k) of this rule is for the purposes of these rules a financial member for the whole of the period relevant to the waiver granted.

(m) Without limitation to any other provision of these rules, or this rule, any member of the Union shall not be required to pay their annual subscription which might otherwise be payable pursuant to these rules and shall be deemed for all purposes of these rules to be a financial member, despite this rule, for the whole of any period during which the member is:

- (i) in accordance with the registered rules of the ASU, a financial member of the ASU; and
- (ii) assigned to the Counterpart Federal Body.

(n) If a member of the Union, who is entitled to the benefit of sub-rule (m) of this rule, ceases to be a financial member of the ASU or being a financial member of the ASU ceases to be assigned to the Counterpart Federal Body, then the member forthwith, from the happening of either event, becomes liable for the payment of their annual subscription under these rules as if the member had either joined the Union on the date that:

- (i) they had become unfinancial under the rules of the ASU; or
- (ii) had ceased to be assigned to the Counterpart Federal Body,

whichever is the earlier, however upon:

- (iii) the payment of any arrears to the ASU and the member otherwise becoming a financial member; and/or
- (iv) the member again being assigned to the Counterpart Federal Body,

any arrears or liability to pay their annual subscription arising under this rule will be extinguished.

16 LEVIES

- (a) The Executive may from time to time strike a levy or levies on all members of the Union or on a section thereof, of an amount or amounts which shall not exceed in the aggregate the amount of annual subscriptions per member per annum.
- (b) Levies imposed on a section of the members shall be imposed for a purpose affecting such members only. Provided that no levy shall be imposed upon a section of the membership without the consent of the Industry Division Committee of that Industry Division.
- (c) Where an Industry Division Committee recommends a levy specific to that Industry Division, the Executive shall impose the levy but upon terms and conditions as determined by it.

17 UNFINANCIAL MEMBERS

- (a) A member owing annual subscriptions or fines or levies for a period of 3 months after they first become due shall be deemed to be unfinancial.
- (b) A member who elects to pay payroll deduction subscriptions shall be deemed to be unfinancial should the member's authority to deduct such subscriptions from salary be withdrawn, from 30 days after such withdrawal of authority. Provided that the provisions of sub-rule (a) of this rule shall apply in respect to any outstanding annual subscriptions of a member who was paying annual subscriptions prior to electing to pay payroll deduction subscriptions.
- (c) An unfinancial member shall not be entitled to any of the rights and privileges of membership including the right to hold or continue to hold office, to nominate for any office or to participate in any ballot of members of the Union or to vote or speak at any meeting of the Union. It shall not be necessary to serve an unfinancial member with any notice of meeting.
- (d) An unfinancial member who, within a period of 30 days, fails to comply with a written demand forwarded to the members' address on the members' register for payment of arrears may be sued by the Union for recovery of such arrears and for the cost of recovering any such arrears. A member may give a reason or reasons why the subscriptions, fines or levies have not been paid, and thereupon the Executive may, at its discretion, extend the time of payment for such period as it deems fit.

18 PROPERTY OWNERSHIP

- (a) Subject to any other provisions in these rules property of the Union shall be owned by the Union and may be held in any form or forms convenient for carrying out any objects of the Union, and shall be registered, deposited, invested or held, wherever possible under the law relating to such property, in the name of the Union.

- (b) Where necessary for the purposes of registering, depositing, investing or holding property, the President and Secretary shall act as Trustees.

19 UNION FUNDS

The Union Fund shall be managed and controlled by the Executive and shall consist of:

- (a) any real or personal property of which the Union by these rules or by any established practice not inconsistent with these rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
- (b) the amount of entrance fees, subscriptions, fines, fees or levies received by the Union;
- (c) any interest, rents or dividends derived from the investment or use of such funds;
- (d) any superannuation or long service leave or other fund operated or controlled by the Union for the benefit of its officers or employees;
- (e) any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Union;
- (f) any property acquired wholly or mainly by expenditure of the funds or derived from other assets of the funds; and
- (g) the proceeds of any disposal of part of the funds;

and shall be used for the payment of the expenses of the administration and management of the Union and for any purpose that the Executive may from time to time direct towards the attainment of any of the objects of the Union.

20 DISBURSEMENT OF FUNDS

- (a) General
 - (i) Funds may be disbursed subject to Part (ii) of this sub-rule:
 - (A) upon the resolution of the Executive, or
 - (B) when necessary upon the order of the President and Secretary.
 - (ii) All disbursements made shall be certified as correct by the Executive as is appropriate, and shall be by cheque or electronic funds transfer signed or authorised, as the case may be, by the Treasurer and Secretary or the President and Secretary. Where the President is not immediately available the Deputy President may sign or authorise, as the case may be. Where the Secretary is not immediately available the Assistant Secretary may sign or authorise, as the case may be.
- (b) Honoraria
 - (i) The Council may grant honoraria to all or any of the members of the Executive. The Executive may grant honoraria to all or any of the members of the Industry Committees.
 - (ii) On the proposal of an honorarium to an officer or member the officer or member concerned shall withdraw from the meeting while the honorarium is discussed.
- (c) Reimbursements
 - (i) Should any Officer or Member of the Union lose salary or other emolument as a result of acting on the business of the Union under instructions from the Executive the Union may make good all such loss or may remunerate the officer at such rate of salary for the time reasonably occupied in acting on the business of the Union; and
 - (ii) reasonable out-of-pocket expenses may be allowed to Officers or Members engaged on Union business.
- (d) Loans, Grants and Donations

Notwithstanding anything contained elsewhere in these rules a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Union, an Industry Division Committee, an Industry Sub-division Committee or a Sub-branch unless the Executive has satisfied itself:

- (i) that the making of the loan, grant or donation would be in accordance with these rules; and
- (ii) in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory;

and has approved the making of the loan, grant or donation.

21 RECOVERY OF FUNDS

The Secretary shall have power to proceed in the name of the Union for the recovery of any subscriptions, fines and/or levies in arrears, and may be instructed by the Executive to take the necessary action for the recovery of any such arrears.

22 EXECUTIVE

- (a) The Executive shall control and manage the affairs of the Union, subject to these rules and to policy decisions of Council.
- (b) Subject to these rules the Executive may add to, amend, alter or rescind these rules.

23 EXECUTIVE MEMBERSHIP

- (a) Membership of the Executive shall consist of the:

President;
Vice-Presidents (Industry);
Vice-President (Women);
Vice-President (Youth);
Treasurer;
Secretary;
Deputy Secretary
Assistant Secretary

together with such number of Executive members (Women) elected pursuant to the elections rule of these rules.

- (b) A Vice-President (Industry) is elected from each of the Industry Divisions and represents the Industry Division from which they are elected excepting that an Industry Division with more than four thousand members shall be entitled to an additional Vice-President (Industry). The number of members of an Industry Division shall, for the purposes of this sub-rule, be determined by the lowest number of members in the Industry Division as at the last day of each of the months of October, November and December in the year preceding an election.
- (c) The Vice-Presidents (Industry) shall be entitled to votes in accordance with the formula provided for in the voting on executive rule of these rules.
- (d) All officers and other members of the Executive shall be elected each 4 years.
- (e) A member of the Executive who ceases to be eligible for election or ceases to be a member of the Union shall forthwith cease to be a member of the Executive.
- (f) The Executive shall determine:
 - (i) in each Year of Election, not less than 3 months prior to the opening of nomination as prescribed by the Closing Day and Time for Nominations rule of these rules, as to whether the Office of Deputy Secretary shall be filled; and
 - (ii) in the event a casual vacancy occurs in the office of Deputy Secretary as to whether that casual vacancy shall be filled.

24 POWERS AND DUTIES OF THE EXECUTIVE

- (a) In addition to the powers elsewhere conferred on it by these rules the Executive shall, subject to these rules, do all such things as are necessary for the control and management of the affairs of the Union.
- (b) The Executive shall have power to delegate such of its powers to an Industry Division, Industry Sub-Division or Sub-Branch Committee as it thinks necessary, and to allocate such union funds to an Industry Division, Sub-Division or Sub-Branch Committee as are necessary for the conduct of its affairs.
- (c) The Executive shall fully investigate all grievances and disputes of members which may be laid before it.
- (d) The Executive shall through the President and the Secretary present to the Council at the annual meeting of Council a report of the business of the preceding year.
- (e) The Union may establish a Sub-Division or Sub-Branch and may disband, amalgamate or re-organise such Sub-Divisions or Sub-Branches.
- (f) The Executive shall receive and consider reports from the President and Secretary and consider and resolve any other matter referred to it from time to time by the Industry Division Committee/s, Industry Sub-Division Committee/s or Sub-Branch Committee/s.

25 UNION EMPLOYEES

- (a) The Executive may employ such persons for the purposes of carrying out these rules as the Executive thinks proper. Such employees shall be employed upon such terms and conditions as the Executive may prescribe from time to time. The Executive may, for the purpose of the employee performing their duties, allocate each employee to an Industry Division. The allocation of duties and responsibilities to employees shall be the responsibility of the Secretary.
- (b) Union employees shall be ineligible to stand for election for any office other than Secretary, Deputy Secretary (if any) or Assistant Secretary.

26 MEETINGS OF THE EXECUTIVE

- (a) The Executive shall meet at least four times per year and at such times as its members may determine. The Secretary shall, upon the request of the President, or at least one quarter of the members of the Executive, summon a meeting of the Executive to be held within seven (7) days of the receipt of the request by the Secretary.
- (b) The Secretary shall give at least 24 hours notice when summoning members to meetings of the Executive.
- (c) Notwithstanding anything hereinbefore contained, where the President or Secretary consider that a matter requires urgent attention:
 - (i) a meeting of the Executive may be called by the President or the Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the Executive are able to communicate with each other without being physically present; or
 - (ii) a ballot of the Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available, provided that:
 - (A) in any such ballot of the Executive members, a majority of the members of Executive, exercising a majority of the votes entitled to be cast and so voting, shall constitute a quorum; and
 - (B) in any such ballot of the Executive members, decisions shall be by simple majority of the votes cast; and
 - (C) in any such ballot no votes shall be cast by proxy.
- (d) If the President is absent from a meeting of the Executive, the Deputy President or, in the absence of the Deputy President, a Vice-President, as determined by the meeting, shall act and shall have the powers of the President while so acting.
- (e) A member of the Executive not present at a meeting or part thereof may appoint in writing a member of the Council as proxy to exercise such vote. Provided that no member shall hold more than one proxy at any meeting of the Executive.

- (f) At any meeting of the Executive a majority of the members of Executive, exercising a majority of the votes entitled to be cast shall constitute a quorum.
- (g) Decisions shall be by simple majority of the votes entitled to be cast by those present.
- (h) Voting shall be by show of hands except if the meeting decides otherwise.
- (i) If at any meeting of the Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.
- (j) The minutes of each Executive meeting shall be prepared by the Secretary and forwarded to each member of the Executive and upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.
- (k) A member of the Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with the misconduct and removal rule of these rules.

27 VOTING ON EXECUTIVE

- (a) Voting on Executive shall be as follows:
 - (i) The President, Vice-President (Women), Vice-President (Youth), Secretary and Treasurer shall each be entitled to one vote.
 - (ii) A Vice-President (Industry) shall be entitled to a vote or votes, as the case may be, in accordance with the following formula:

Members in Industry Division	Votes
Less than 200	1
200 to 399	2
400 to 599	3
600 to 999	4
1000 to 1999	6
2000 to 2999	8
3000 to 3999	10
4000 to 4999	12
5000 to 5999	14
6000 to 6999	16
7000 to 7999	18
8000 to 9999	21
10,000 to 11,999	24
12,000 to 13,999	28

- (iii) Where an Industry Division has more than one Vice-President the votes to which the Vice-Presidents of that Industry Division are entitled in accordance with this rule shall be divided equally between them.
- (b) The number of votes held by a Vice-President (Industry) shall be determined by the lowest number of members in each Industry Division as at the last day of each of the months of October, November and December in the year preceding an election, other than an election to fill a casual vacancy.

28 EXECUTIVE SUB-COMMITTEES

- (a) The Executive may establish such sub-committees as it deems necessary.
- (b) A sub-committee shall be comprised of such members of the Executive as the Executive shall determine provided that the Secretary shall be entitled to be a member of any sub-committee.

- (c) The Executive shall have the power to delegate to an Executive sub-committee such of its powers as it thinks fit other than the power to delegate. The Executive sub-committee is responsible to and under the control of the Executive.

29 COUNCIL

- (a) There shall be a Council which shall be elected every four years.
- (b) Subject to these rules the Council may add to, amend, alter or rescind these rules.
- (c) The Council shall meet at a time and place determined by the Executive.

30 COUNCIL MEMBERSHIP

- (a) Membership of the Council shall consist of the Executive and Councillors elected from the Industry Divisions based on the following formula:

Members in Industry Division	Number of Councillors
Less than 200	1
200 to 399	2
400 to 599	3
600 to 999	4
1000 to 1999	6
2000 to 2999	8
3000 to 3999	10
4000 to 4999	12
5000 to 5999	14
6000 to 6999	16
7000 to 7999	18
8000 to 9999	21
10,000 to 11,999	24
12,000 to 13,999	28

- (b) The number of Councillors shall be determined by the lowest number of members in each Industry Division as at the last day of each of the months of October, November and December in the year preceding an election.
- (c) In addition to the Councillors elected in accordance with sub-rules (a) and (b) of this rule, membership of Council shall also include Councillors (Women) elected pursuant to sub-rule (1) of the elections rule of these rules.

31 POWERS AND DUTIES OF COUNCIL

- (a) In addition to the powers elsewhere conferred on it by these rules the Council shall, subject to the rules, determine Union policies, receive and consider reports from the President and Secretary and consider and resolve any other matter referred to it from time to time by the Executive, and/or Industry Division Committee/s, Industry Sub-Division Committee/s or Sub-Branch Meeting/s.
- (b) Provided that between meetings of the Council the Executive may where necessary determine Union policy on matters not the subject of existing Union policy.

32 MEETINGS OF THE COUNCIL

- (a) The Council shall meet at least annually on a date and at a location to be determined by the Executive.
- (b) Notwithstanding sub-rule (a) of this rule the Secretary shall, upon the request of the Executive or at least one quarter of the members of the Council summon a meeting of the Council to be held within 30 days of the receipt of the request by the Secretary.
- (c) The Secretary shall give at least 7 days notice when summoning members to meetings of the Council.
- (d) If the President be absent from a meeting of the Council, the Deputy President, or in the absence of the Deputy President a Vice-President as determined by the meeting, shall act with powers of the President while so acting.

- (e) A member of the Council not present at a meeting or part thereof may appoint in writing another member of the Council as proxy to exercise such member's vote or votes, provided that no member shall hold more than one proxy at any meeting of the Council.
- (f) A majority of members of the Council shall constitute a quorum.
- (g) If at any meeting of the Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- (h) The minutes of each meeting shall be prepared by the Secretary and forwarded to each member of the Council. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Council meeting shall, upon their being confirmed, be available for the inspection of the members of the Union during the ordinary office hours of the Union.

33 VOTING ON COUNCIL

- (a) Each member of the Council shall be entitled to one vote.
- (b) Voting shall be by show of hands except if the meeting decides otherwise.

34 PRESIDENT

- (a) There shall be a President elected every 4 years by the financial members of the Union.
- (b) The President shall be the chief presiding officer of the Union and shall in addition to any other duties or powers expressly provided by the rules of the Union:
 - (i) preside at all meetings of the Union when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders;
 - (ii) be impartial in all transactions and ensure that the rules are adhered to;
 - (iii) shall have a casting vote in addition to an ordinary vote in the circumstances of a vote being otherwise tied.
- (c) Upon confirmation of the minutes of meetings of Executive and Council, sign such minutes confirming them as a true and accurate record.

35 VICE-PRESIDENTS

- (a) There shall be a Vice-President from and representing each Industry Division elected every four years by the financial members of the relevant Industry Division.
- (b) The Vice-President (Industry) shall be the chairperson of that Industry Division Committee of the Industry Division from which they were elected. Where there is more than one Vice-President representing an Industry Division, the first meeting of the Industry Division Committee following the election of the Committee, shall elect one of the Vice-Presidents (Industry) of that Industry Division as chairperson and the other Vice-President (Industry) shall be a member of the Industry Committee. Provided that such election shall be conducted in accordance with sub-rule (k) of the elections rule of these rules.
- (c) The Vice-Presidents representing the Local Authorities, Brisbane City Council, Energy, Ports, Social and Community Services, Private Sector and Rail Industry Divisions shall be referred to in these rules as "Vice-President (Industry)" provided that on, and from, the declaration of the Executive elections in 2007 the Vice-Presidents representing the Energy, Local Authorities, Brisbane City Council, Rail, Social and Community Services, Ports and Private Sector Industry Divisions shall be referred to in these rules as "Vice-President (Industry)".
- (d) On, and from, Amalgamation Day the Vice-Presidents representing the Brisbane City Council, Energy, Local Authorities, North Queensland Clerical and Administrative, Ports and Private Sector, Rail and Social and Community Services Industry Divisions shall be referred to in these rules as "Vice-President (Industry)".
- (e) There shall be a Vice-President (Women) elected every four years by the financial women members of the Union.

- (f) There shall be a Vice-President (Youth) elected every four years by the financial youth members of the Union.
- (g) The Vice-Presidents (Industry) shall assist the President at all meetings in connection with the business of the Union and generally assist in carrying out the business of the Union.

36 DEPUTY PRESIDENT

At the first meeting of the Executive after the quadrennial election of the Vice-Presidents one of those Vice-Presidents shall be elected Deputy President. Such election shall be conducted in accordance with sub-rule (k) of the elections rule of these rules. The Deputy President shall deputise for the President when the President is absent and shall Chair any meetings of the Union in the absence of the President.

37 TREASURER

- (a) There shall be a Treasurer elected every four years by the financial members of the Union.
- (b) The Treasurer shall check the accounts of the Union as kept by the Secretary and ensure that the Secretary carries out the duties with respect to the accounts of the Union.

38A SECRETARY

- (a) There shall be a Secretary elected each 4 years by the financial members of the Union.
- (b) The Secretary shall be the Chief Executive Officer of the Union who between meetings of the Executive shall conduct and manage the affairs of the Union, provided the Secretary shall not be personally liable for such actions as may be authorised by the Council or Executive, as defined within these rules.
- (c) The Secretary shall, in addition to any other duties or powers expressly provided by the rules of the Union:
 - (i) consult with the President or in the Presidents absence the Deputy President or in the absence of both the President and the Deputy President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Executive which would ordinarily be subject to an Executive decision;
 - (ii) keep or cause to be kept an up-to-date register of the Union's members and their postal addresses so far as known;
 - (iii) be the officer to attend or be represented and to be heard on any matter at any meeting of the Union. Provided that where another person represents the Secretary at any meeting of the Union, such person shall have the right to be heard;
 - (iv) cause suit to be issued on behalf of the Union and shall be the person who receives suit on behalf of the Union;
 - (v) control and manage the office and employees of the Union;
 - (vi) take charge of all documents, books and correspondence relating to the general business of the Union and shall cause to be kept, a record of all communications sent and received;
 - (vii) keep a separate account of all monies received or paid on account of every particular fund and keep separate accounts of the expenses of management and of all contributions on account thereof;
 - (viii) prepare an Annual Report which includes the Treasurer's Financial Statement, the Auditor's report and a full report of the Union's progress for the previous 12 months. This report shall be made available to members after each State Council Meeting;
 - (ix) when vacating office, deliver to the State Secretary's successor or State Council's nominees all books, accounts and funds belonging to the Union which are in the State Secretary's possession or control;
 - (x) the Secretary shall attend to court, legal, industrial matters and/or other matters or other hearings before any Industrial Commission, Tribunal, Board and/or Court or any other such body.

- (d) The Secretary may, with the consent of the Executive, delegate such of the Secretary's powers and authorities to employees of the Union as may be required for the Union's efficient administration, provided always that such delegation shall be in writing and that at all times the:
 - (i) delegate shall be subject to the supervision and direction of the Secretary;
 - (ii) delegation shall be on such conditions as the Executive or Secretary may prescribe;
 - (iii) delegation shall be subject to determination by the Executive or Secretary without notice.
- (e) In circumstances where the Secretary is, due to absence, illness or for any other cause, unable to or unwilling to discharge the duties of the office of Secretary, the Executive may appoint one of its members, or any other member of the Union who is eligible to be nominated for the office of Secretary pursuant to sub-rule (a) of the eligibility of candidates rule, to act in the office during such period that the Secretary is unable or unwilling to discharge the duties of the office of Secretary and any member so acting shall assume the powers and functions of the Secretary.

38B DEPUTY SECRETARY

- (a) There shall be a Deputy Secretary, subject to the executive membership rule of these rules, elected each 4 years by the financial members of the Union.
- (b) The Deputy Secretary shall act as the Secretary when the Secretary is on leave.
- (c) The Deputy Secretary shall have such other powers as may be delegated to the Deputy Secretary pursuant to sub-rule (d) of the secretary rule of these rules.
- (d) The Deputy Secretary shall, when acting as the Secretary in accordance with this rule, retain all the powers of the Deputy Secretary as the Deputy Secretary may exercise in accordance with sub-rule (c) of this rule.

38C ASSISTANT SECRETARY

- (a) There shall be an Assistant Secretary elected each 4 years by the financial members of the Union.
- (b) The Assistant Secretary shall, if the office of Deputy Secretary is filled, act in the office of the Deputy Secretary when the Deputy Secretary is on leave.
- (c) The Assistant Secretary shall if the office of Deputy Secretary is not filled, act as the Secretary when the Secretary is on leave.
- (d) The Assistant Secretary shall have such powers as may be delegated to the Assistant Secretary pursuant to sub-rule (d) of the secretary rule of these rules.
- (e) The Assistant Secretary shall, when acting as the Deputy Secretary or the Secretary, as the case may be, in accordance with this rule, retain all the powers of the Assistant Secretary as the Assistant Secretary may exercise in accordance with sub-rule (d) of this rule.

39 AUDITOR

- (a) The Executive shall appoint a Union Auditor at its first meeting after the commencement of the financial year in each year.
- (b) The Auditor must hold the qualifications for a competent person under the Act and any Regulations or Rules made under the Act.
- (c) The auditor shall audit the books and financial statements of the Union at the end of each financial year and at such other times as the Executive shall direct.
- (d) The auditor shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Executive and may interview any officer of the Union in regard to the accounts, and is hereby authorised to obtain from any bank in which the Union's funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.
- (e) The auditor shall furnish a written statement within any time specified by the Executive that all documents and statements certified to are in accordance with law and the rules of the Union, or, if unable to certify the correctness of any of them report forthwith to the Executive as to the respect or respects in which they are incorrect.

- (f) The auditor shall have the power to place before the Executive any suggestions concerning the financial affairs of the Union.
- (g) In the event of an auditor so appointed being unable to act or refusing to act or resigning, the Executive is empowered to appoint an auditor who holds the necessary qualifications as a replacement.

40 RETURNING OFFICER

- (a) The Executive, at its meeting held immediately following amalgamation day, and thereafter at its meeting immediately following the elections held pursuant to sub-rule (a) of the election rule of these rules, shall appoint a Returning Officer.
- (b) The Returning Officer shall not be the holder of any office in, or be an employee of, the Union or of an Industry Division, Industry Sub-division or Sub-branch of the Union.
- (c) In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the Executive shall terminate the appointment, and appoint a replacement for the balance of the term to which the Returning Officer who is being replaced was appointed.
- (d) The Returning Officer shall be responsible for the conduct of all elections for Executive and Council offices, for the conduct of all elections for offices in Industry Divisions, Industry Sub-divisions and Sub-branches of the Union except where any election for office must be conducted by the Electoral Commission Queensland.
- (e) Plebiscites conducted pursuant to the rules of the Union shall be conducted by the Returning Officer.
- (f) The Executive may appoint, from time to time and for such period of time as is required, one or more Deputy Returning Officers to assist the Returning Officer in the performance of the Returning Officers obligations pursuant to the rules of the Union. Deputy Returning Officer/s shall not be the holders of any office in, or be employees of, the Union or of an Industry Division, Industry Sub-division or Sub-branch of the Union.

41 ELECTIONS

- (a) Commencing in 2003, and thereafter every four years an election shall be held for offices of the following:
 - (i) the Executive;
 - (ii) the Council;
 - (iii) Industry Divisions;
 - (iv) Industry Sub Divisions;
 - (v) Sub Branches.
- (b) Only members of the Union who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any Office within the Union. For the purposes of this sub-rule, financial membership of an organisation whose members have, by means of an amalgamation, become members of the Union, shall be counted in the calculation of any period of membership.
- (c) Only financial members attached to an Industry Division, Industry Sub-division or Sub-branch shall be eligible to be nominated for election to, or vote for, an Office of that Industry Division, Industry Sub-division or Sub-branch as the case may be for which the members of such Industry Division, Industry Sub-division or Sub-branch or subordinate part, form the sole electorate.
- (d) In addition to the qualifications otherwise provided for in this rule, only women members may be nominated for the Office of Vice-President (Women), Provisional Executive Member (Women) and Provisional Council Member (Women).
- (e) In addition to the qualifications otherwise provided for in this rule, only Youth members may be nominated for the Office of Vice-President (Youth).

- (f) Union employees cannot be nominated to stand for election for any office other than Secretary, Deputy Secretary (if any) and Assistant Secretary.
- (g) All candidates must be nominated by two members of the Union who are financial members to and by the end of the month preceding the calling of nominations, with the candidate's consent in writing.
- (h) In addition to the qualifications for nominators set out in sub-rule (g) of this rule, only members of Council may nominate candidates for the Offices of:

President;
Vice President (Women);
Vice President (Youth);
Vice Presidents (Industry);
Secretary;
Treasurer;
Provisional Executive Member (Women);
Provisional Council Member (Women).

- (i) In addition to the qualifications for nominators set out in sub-rules (g) and (h) of this rule only members allocated to an Industry Division, Industry Sub-division or Sub-branch may nominate candidates for offices for which the members of such Industry Division, Industry Sub-division or Sub-branch, form the sole electorate.

- (j) (i) in the case of:

President;
Secretary;
Treasurer;
Provisional Executive Member (Women);
Provisional Council Member (Women),

any ballot held shall be of all financial members of the Union.

- (ii) in the case of:

Vice President (Women), any ballot held shall be of all financial women members of the Union.

- (iii) in the case of:

Vice President (Youth), any ballot held shall be of all financial youth members of the Union.

- (iv) in the case of Industry Division officers, any ballot held will be of all financial members of the Union allocated to the relevant Industry Division;

- (v) in the case of Industry Sub-division offices, any ballot held will be of all financial members of the Union allocated to the relevant Industry Sub-division;

- (vi) in the case of Sub-branch offices, any ballot held will be of all financial members of the Union attached to the relevant Sub-branch in which a ballot is necessary.

- (k) (i) The Deputy President and the Chairperson of an Industry Division that has more than one Vice President (Industry) shall be elected by a Collegiate Electoral System.

- (ii) (A) The Electoral College shall in relation to the office of Deputy President be the Executive.

(B) The Electoral College in relation to the office of Chairperson of an Industry Division that has more than one Vice President (Industry) shall be the relevant Industry Division Committee.

- (iii) The outgoing Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of these rules "the Manager"), and the Manager shall be subject to the provisions of the election procedure rules.

- (iv) The Manager shall call for nominations from among members of the Electoral College subject to these rules, by written notice to each member.

- (v) Nominations shall be in writing, signed by the candidate and seconded in accordance with this rule and shall be delivered to the Manager prior to the commencement of the first meeting of the Management Committee next following the election of members of the Electoral College (for the purposes of this rule “the Meeting”).
- (vi) If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.
- (vii) The Manager shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the meeting.
- (viii) If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.
- (ix) If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College.
- (x) Any candidates may appoint a scrutineer, and the provision of the election procedures rules in relation to scrutineers shall apply.
- (xi) The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.
- (xii) The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.
- (xiii) Any member who will not be present at the meeting at which the ballot is to be held may:
 - (i) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote; or
 - (ii) appoint another member of the Electoral College to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.
- (xiv) The candidate or candidates securing the highest number of votes shall be declared elected.
- (xv) The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.
- (xvi) The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.
- (l) (i) Notwithstanding any other provisions of these rules, commencing in 2003 women shall be represented on the Executive and Council as follows:
 - (A) where the Union has more than 50% women financial members, not less than 50% of such offices shall be filled by women;
 - (B) where the Union has more than 30% but less than 50% women financial members, not less than 30% of such offices shall be filled by women.
- (ii) At each quadrennial election the Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Union.
- (iii) In the case of the Executive nominations will be called in each quadrennial election for five positions of Provisional Union Executive member (Women), to be elected by the financial members of the Union.
- (iv) In the event that, at the declaration of the election, the number of women elected to the Executive as Vice-Presidents (Industry) representing Industry Divisions does not equal or exceed the number required by the relevant provisions of Part (i) of this sub-rule, the Returning Officer shall declare elected a number of

Executive members (Women), beginning with the candidate who polled the greatest number of votes for the position of Provisional Executive members (Women) and declaring elected further such candidates in order of the greatest number of votes received, until the requisite number of offices are filled by women in accordance with Part (i) of this sub-rule.

- (v) If the required number of offices on the Executive of Vice-Presidents (Industry) are filled by women, or if only one or some of the Provisional Executive Members (Women) are required to be declared elected, the Returning Officer's Report and Declaration will show the names and votes obtained by all candidates for the provisional offices, showing the undeclared candidates who polled the highest votes for each such office.
- (vi) In the event of a Casual Vacancy arising in the office of Executive Members (Women), the candidate with the next greatest number of votes shall automatically fill such vacancy.
- (vii) An Executive member (Women) shall exercise one vote on Executive.
- (viii) In the case of Council, the same procedure shall be followed, with the necessary changes, as for the Executive, except that nominations will be called for 10 Provisional Councillors (Women), to be elected by the financial members of the Union.

ELECTION PROCEDURE RULES

PART 1—DEFINITIONS

42 Definitions

In these election procedure rules:

“ballot box” means a ballot box kept under rule 56.

“candidate”, for an election, means a person:

- (a) who has nominated as a Candidate for the office the election is about; and
- (b) whose nomination has been accepted under rule 47(c); and
- (c) whose nomination has not been withdrawn.

“eligible member” means a person who was a financial member of the Union 30 days before the starting time for nominations.

“higher office” means:

- (a) for the office of Executive Member—any office; or
- (b) for the office of Assistant Secretary—the office of Deputy Secretary (if any), Secretary, Deputy-President, Vice-President or President; or
- (c) for the office of Deputy Secretary (if any)—the office of Secretary, Deputy-President, Vice-President or President; or
- (d) for the office of Secretary—the office of Deputy President, Vice-President or President; or
- (e) for the office of Vice-President – the office of Deputy President or President.
- (f) for the office of Deputy President – the office of President.

“initialled” by the Manager of an election includes being marked with a facsimile of the Manager's initials.

“Manager of an Election” means:

- (a) the electoral officer conducting the election or ballot; or

- (b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.

“member” means a member of the Union.

“return envelope” see rule 55(a)(ii).

“roll”, for an election, means the roll of Voters prepared for the election under rule 51.

“scrutineer” means:

- (a) a Candidate who acts personally as a scrutineer; or
- (b) a person appointed as a scrutineer for a Candidate under rule 62.

“Secretary” means:

- (a) the person holding office as the Union’s Secretary; or
- (b) another officer of the Union, however described, who has the functions of the Union’s Secretary.

“Voter” means a person:

- (a) who is an eligible member; and
- (b) whose name is on the roll under rule 51.

“voting material” see rule 55(a).

PART 2—MANAGER OF ELECTION

43 Manager of election—functions and powers

- (a) The Manager of an election:
 - (i) must not influence, or attempt to influence, the outcome of the election; and
 - (ii) must conduct the election under these election procedure rules except where these rules expressly provide otherwise; and
 - (iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and
 - (iv) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.
- (b) The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:
 - (i) to ensure no irregularities happen in the election; or
 - (ii) to remedy a procedural defect that appears to the Manager to exist about the election.
- (c) To ensure the integrity of an election, the address for return of ballot papers must not be the Union’s usual postal address.

PART 3—PRE-ELECTION PROCEDURES

44 Closing day and time for nominations

- (a) The Manager of the election must fix the opening day and closing day for nominations for office.
- (b) The closing day must be at least 28 days after notice is given under rule 46.

- (c) Nominations open at midday on the opening day and close at midday on the closing day.

45 Starting and finishing days of ballot

- (a) If a ballot becomes necessary under rule 49, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.
- (b) The start day must not be before the closing day for nominations for the offices to be filled at the election.

46 Calling for nominations

- (a) The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:
 - (i) by post to each member at the address recorded in the members register;
 - (ii) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter;
 - (iii) in a daily newspaper circulating in the area where the Union's members live or work.
- (b) The notice must state:
 - (i) the opening day for nominations; and
 - (ii) the closing day for nominations; and
 - (iii) that nominations for office:
 - (A) open at midday on the opening day; and
 - (B) close at midday on the closing day; and
 - (iv) who may nominate as a Candidate in the election; and
 - (v) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and
 - (vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under rule 49; and
 - (vii) that only a person who was a financial member 30 days before the opening time for nominations may Vote in the election; and
 - (viii) that the ballot will be decided by a first-past-the-post system of voting.

47 Nomination procedure

- (a) A nomination for office must be written, signed by the nominee, otherwise comply with these rules and be given to the Manager of the election before nominations close.
- (b) A person may nominate for more than 1 office.
- (c) The Manager must accept a nomination if:
 - (i) it complies with sub-rule (a); and
 - (ii) the nominee is an eligible member and is otherwise entitled pursuant to these rules to nominate; and
 - (iii) the nominators are entitled pursuant to these rules to nominate the nominees; and
 - (iv) these rules, in so far as they expressly provide in relation to the nomination process, are complied with.

- (d) A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

48 What happens if a nomination is defective

- (a) The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.
- (b) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:
 - (i) reject it; and
 - (ii) give the nominee notice of the defect; and
 - (iii) if practicable, give the nominee an opportunity to remedy the defect.
- (c) If practicable, the notice must be given before nominations close.
- (d) Failure to give the notice does not invalidate the election.

49 When a ballot must be held

If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the election procedure rules.

50 Election without ballot

The Manager of the election must declare a Candidate elected to an office if:

- (a) nominations have closed; and
- (b) the Candidate does not hold another office; and
- (c) the Candidate has:
 - (i) not nominated for a higher office; or
 - (ii) nominated for a higher office and is not elected to the higher office; and
- (d) if the election is for President, Secretary, Deputy Secretary (if any) or Assistant Secretary—the Candidate is the only Candidate; or
- (e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.

PART 4—CONDUCTING BALLOTS

Division 1—General

51 Roll—preparation

- (a) A roll for a ballot must be prepared at the direction of the Manager of the election.
- (b) The Manager must ensure the roll:
 - (i) states:
 - (A) the name of each person who is an eligible member of the Union in alphabetical order; and
 - (B) each eligible member's address, opposite their name; and

- (C) each eligible member's gender, and
- (D) the Industry Division to which they are allocated pursuant to these rules; and
- (ii) is completed when nominations for the election close.
- (c) The Union must give the Manager:
 - (i) a copy of its members register; and
 - (ii) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

52 Roll—inspection

- (a) The Manager of the election must make the roll for the election available for inspection:
 - (i) in the period that:
 - (A) starts on the day after the roll must be completed under rule 51; and
 - (B) ends 30 days after the result of the election is declared; and
 - (ii) at the Manager's office when it is open for business.
- (b) A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.
- (c) If, during the period stated in sub-rule (a), a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

53 When someone can claim a right to Vote

- (a) Despite rule 51(b), if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.
- (b) If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.
- (c) An eligible member is only able to vote in such ballots as is permitted pursuant to these rules.

Division 2—Voting material

54 Ballot papers

- (a) A ballot paper for the election must:
 - (i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and
 - (ii) be of paper that will hide a vote marked on it from view when it is folded once; and
 - (iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and
 - (iv) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and
 - (v) state how the Voter may vote; and
 - (vi) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and
 - (vii) state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.
- (b) The order of names on the ballot paper must be decided by lot.

- (c) If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

Example—

The occupation of each Candidate may be added to the ballot paper.

55 Distributing voting material

- (a) The Manager of the election must post the following things (the “voting material”) to each Voter:
 - (i) a ballot paper initialled by the Manager;
 - (ii) an unsealed reply paid envelope (a “return envelope”) addressed to the Manager;
 - (iii) a ballot envelope and a voting declaration;
 - (iv) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.
- (b) Voting material must be posted to each Voter:
 - (i) in a sealed envelope to the Voter’s address on the roll; and
 - (ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.
- (c) The voting declaration must state ‘I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.’
- (d) If a Voter gives the Manager a notice that the Voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.
- (e) Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:
 - (i) the roll against the Voter’s name; and
 - (ii) the declaration form.
 - (iii) The Manager must give each Voter a different ballot number.
 - (iv) The ballot numbers must start with a number chosen by the Manager.
 - (v) A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.

56 Manager must keep a ballot box

The Manager must get a ballot box and:

- (a) keep the box in a safe place; and
- (b) seal the box in a way that:
 - (i) allows voting material to be put in it until the ballot finishes; and
 - (ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

57 Duplicate voting material

- (a) This rule applies if voting material posted to a Voter:
 - (i) has not been received by the Voter; or

- (ii) has been lost or destroyed; or
 - (iii) if the document is a ballot paper—has been spoiled.
- (b) The Voter may apply to the Manager of the election for a duplicate of the document.
- (c) The application must:
- (i) be received by the Manager on or before the finish day of the ballot; and
 - (ii) state the grounds on which it is made; and
 - (iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and
 - (iv) state that the Voter has not voted at the ballot; and
 - (v) if the document is a spoiled ballot paper be accompanied by the ballot paper.
- (d) If the application complies with sub-rule (c), the Manager must:
- (i) if the document is a spoiled ballot paper:
 - (A) mark 'spoilt' on the paper; and
 - (B) initial the paper beside that marking and keep the paper; and
 - (C) give a fresh ballot paper to the Voter; or
 - (ii) otherwise—give a duplicate of the document to the Voter.

Division 3—Voting

58 How long ballot is open

A ballot must remain open for:

- (a) at least 21 days; and
- (b) no longer than 49 days.

59 How to Vote

A Voter may vote only by completing the following steps:

- (a) completing a ballot paper by:
 - (i) writing a tick or cross in the square opposite the name or names of the number of Candidates the Voter may vote for under rule 60; and
 - (ii) complying with the instructions on the paper about how to vote;
- (b) putting the ballot paper in a ballot envelope;
- (c) sealing the ballot envelope;
- (d) filling in and signing the voting declaration for the ballot paper;
- (e) putting the voting declaration and the ballot envelope in the return envelope;
- (f) sealing the return envelope;
- (g) complying with any direction given under rule 55(a)(iv);

- (h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

60 How many votes may be cast

A Voter, permitted pursuant to these rules to vote in any ballot, may vote for only the following number of Candidates on a ballot Paper:

- (a) for an election for President or Secretary—1 Candidate;
- (b) for an election for another type of office—the number of Candidates that is not more than the number of offices of the same type to be elected at the same time.

Division 4—Counting and scrutiny of votes

61 How Manager must deal with voting material

- (a) The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.
- (b) If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:
 - (i) keep the envelope sealed; and
 - (ii) mark the envelope ‘Received by the Manager after the finishing day for the ballot’; and
 - (iii) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

62 Scrutineers—appointment

- (a) A Candidate may:
 - (i) act personally as a scrutineer; or
 - (ii) appoint another person (an “appointee”) as a scrutineer for the Candidate.
- (b) An appointment must be in writing and signed by the Candidate.
- (c) A Candidate must notify the Manager of the election of the name of the Candidate’s appointee as soon as possible after the appointee is appointed.
- (d) The Manager may refuse to allow an appointee to act as a scrutineer if:
 - (i) the Manager asks to inspect the appointment as a scrutineer; and
 - (ii) the appointee does not produce it.

63 Scrutineers’ rights

Subject to rule 64, a scrutineer may be present when:

- (a) ballot papers or other voting material for a ballot are prepared and given to Voters; and
- (b) voting material is received and put in safe custody under rule 61; and
- (c) votes are counted.

64 Scrutineers—numbers attending

- (a) Each Candidate may have only 1 scrutineer exercising a right under rule 63 for each official present where the ballot is being conducted.

(b) In sub-rule (a):

“official” means:

- (i) if the ballot is being conducted by the electoral commission—an electoral officer; or
- (ii) if the ballot is not being conducted by the electoral commission:
 - (A) the Manager of the election; or
 - (B) any other person appointed by the Manager to exercise the Manager’s powers for the election.

65 Initial scrutiny of voting material

(a) As soon as possible after the ballot finishes, the Manager of the ballot must:

- (i) seal the ballot box in a way that prevents voting material from being put in it; and
- (ii) take the ballot box to the place where votes are to be counted.

(b) The Manager must then:

- (i) unseal the ballot box; and
- (ii) take out the return envelopes; and
- (iii) open each return envelope and take out the ballot envelope and the voting declaration; and
- (iv) examine the declaration and mark off the Voter’s name on the roll; and
- (v) check the ballot number on the declaration against the ballot number marked against the Voter’s name on the roll; and
- (vi) ensure the declaration is signed.

(c) After complying with sub-rule (b), the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied:

- (i) each declaration is signed; and
- (ii) the ballot number on each declaration corresponds with the ballot number marked beside the Voter’s name on the roll.

(d) However, the Manager must not put a ballot envelope or declaration in the containers mentioned in sub-rule (c) if:

- (i) the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or
- (ii) the person named on the declaration is not the person to whom it was sent.

(e) Sub-rule (d) does not apply if the Manager is satisfied the person who filled in and signed the declaration:

- (i) is a Voter; and
- (ii) has not previously voted in the ballot; and
- (iii) has a reasonable explanation for using someone else’s ballot material.

(f) The Manager must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.

(g) A declaration is valid only if:

- (i) it complies with sub-rule (c)(i) and (ii); and

- (ii) sub-rule (d) does not apply.
- (h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.
- (i) If a declaration is accepted as valid by the Manager the Manager must:
 - (i) note the acceptance of validity on the declaration; and
 - (ii) record the correct ballot number on the roll against the name of the Voter who signed the declaration.
- (j) After separating the ballot envelopes and declarations, the Manager must, in the following order:
 - (i) seal the container holding declarations;
 - (ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;
 - (iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope ‘informal under rule 66(b)(v)’;
 - (iv) put all of the ballot papers in the ballot box.

66 Counting votes

- (a) To count votes the Manager of the election must:
 - (i) admit the formal votes and reject the informal votes; and
 - (ii) count the formal votes, and record the number for each Candidate; and
 - (iii) count the informal votes.
- (b) A vote is informal only if:
 - (i) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic; or
 - (ii) the ballot paper is marked in a way that allows the Voter to be identified; or
 - (iii) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or
 - (iv) the ballot paper does not comply with a direction given under rule 55(a)(iv); or
 - (v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

67 Scrutineers’ objections

- (a) Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.
- (b) When votes are counted, a scrutineer may:
 - (i) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or
 - (ii) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.
- (c) If a scrutineer advises the Manager under sub-rule (a) or (b)(ii), the Manager must:
 - (i) decide whether the error has been made; and
 - (ii) if appropriate—direct action to correct or mitigate the error.

- (d) If a scrutineer objects under sub-rule (b)(i), the Manager must:
 - (i) decide whether the ballot paper is to be admitted or rejected; and
 - (ii) note the decision on the ballot paper and initial the note.

68 Direction by Manager to leave count

The Manager of the election may direct a person to leave the place where votes are being counted if the person:

- (a) does not have the right to be present at the count; or
- (b) interrupts the count, other than to exercise a scrutineer's right.

Division 5—Election result

69 How result is decided

- (a) The method of deciding the result of a ballot is by a first-past-the post system.
- (b) If only 1 office of the same type is to be filled in an election, the Candidate with the most formal votes is elected.
- (c) If more than 1 office of the same type is to be filled, that number of Candidates corresponding with the number of offices to be filled who have the most formal votes are elected.
- (d) This rule is subject to rules 70 and 71.

70 What happens if votes for 2 or more Candidates are equal

- (a) If the Manager cannot decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.
- (b) A decision under sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

71 What happens if multiple nominee elected

If a Candidate is elected to an office, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.

72 EXEMPTION

- (a) The Secretary shall ensure, as far as is practicable, that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the Officers of the Union and the Officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of Officers of the Union, then such extension shall be for a period of less than 12 months.
- (b) To the extent that the term of office for the officers of the Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.
- (c) The Executive may at any time prior to the day prescribed pursuant to the Act direct the Secretary to make application for exemption from holding an election.
- (d) The Executive may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the same Counterpart Federal Body.
- (e) Should the Executive direct that an application for exemption from holding an election be made then elections for the Executive that would otherwise be held pursuant to these rules shall not be held provided that:
 - (i) the application for exemption shall be made as soon as practicable after the declaration of the election for the Counterpart Federal Body;

- (ii) the membership of the Union is notified, by means of the Union Journal or other publication circulated to the members free of charge that the application for exemption shall be made and the details of the application;
 - (iii) in the event of the exemption not being granted or being only partially granted the Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.
- (f) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:

Counterpart Federal Body	The Union
Branch President	President
Branch Vice-President (Industry Division)	Vice-President (Industry Division)
Branch Deputy President	Deputy President
Branch Vice-President (Women)	Vice-President (Women)
Branch Vice-President (Youth)	Vice-President (Youth)
Branch Secretary	Secretary
Branch Deputy Secretary	Deputy Secretary
Branch Assistant Secretary	Assistant Secretary
Branch Treasurer	Treasurer
Branch Executive Members (Women)	Executive Members (Women)
Branch Councillor	Councillors
Branch Councillors (Women)	Councillors (Women)
Branch Industry Division Committee Members	Industry Division Committee Members

73 CASUAL VACANCIES

- (a) A casual vacancy shall occur in any office of the Union, where the holder of an office dies, resigns, is removed from office, does not take up office or ceases to hold office, in accordance with the rules.
- (b) Casual vacancies shall be filled in accordance with this rule.
- (c) Where a casual vacancy occurs, and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with the election rule of these rules.
- (d) Where an election is to be held pursuant to this sub-rule then during the period of time which elapses between the casual vacancy occurring and the filling of the office by way of election, the Executive may appoint by resolution a member (who may be the holder of another office in the Union, and who must be eligible for election to an office in the Union) to act in the office and carry out the duties and to exercise the powers prescribed in these rules as attaching to such office until such election has been held and declared, provided that such person shall not, and shall not be deemed to, occupy that office for any purpose of these rules other than to exercise those said powers and duties pending such election.
- (e) Where a casual vacancy occurs and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled as provided for in sub-rule (f).
- (f) (i) In the case of a casual vacancy in the office of:

President
 Deputy President
 Vice President (Industry)
 Vice President (Women)
 Vice President (Youth)
 Secretary
 Deputy Secretary (if any)
 Assistant Secretary
 Treasurer

the Executive may appoint by resolution or elect an eligible member to the Office for such unexpired portion of the term;

- (ii) In the case of a casual vacancy in the offices within an Industry Division, Industry Sub-division or Sub-branch the relevant Industry Division, Industry Sub-division or Sub-branch Committee, as the case may be, may

appoint an eligible member, or the Executive of the Union or the Council of the Union may elect an eligible member, in accordance with the rules of the Union, to the office for such unexpired portion of the term.

- (iii) In the event of a casual vacancy arising in the office of Executive Members (Women) or Council Members (Women) the vacancy shall be filled in accordance with sub-rule (1) of the elections rule of these rules.
- (g) The successful candidate or appointee shall hold office until the next election for the office held in accordance with the elections rule of these rules.

74 SYNCHRONISATION AT ELECTIONS

- (a) The term/s of office provided for by these rules may be extended by the Executive where the purpose of the extension is to allow for the synchronisation of elections for Office/s of the Union, provided always that such extension is for a period of not more than 12 months and does not extend any term of office in the Union, so that such term is in excess of 5 years.
- (b) Where the Executive extends the term of any Office/s in the Union pursuant to sub-rule (a) of this rule, then notwithstanding any other rule of these rules, the Executive shall likewise alter, to the extent necessary and appropriate, the date/s for the calling of nominations, the holding of elections and the taking of office as provided for by these rules so as to ensure that synchronisation of elections for office/s of the Union, occurs.

75 INDUSTRY DIVISIONS

- (a) There shall be in each Industry Division an Industry Division Committee which shall, subject to these rules and the control of the Executive, control and manage the industrial affairs of the Industry Division.
- (b) An Industry Division Committee shall have the power to adopt rules for its own guidance and government. Such rules shall be approved by The Executive and be consistent with the rules of the Union. Where an Industry Division does not adopt such rules for its guidance then it shall abide by the model industry division rules as provided by these rules in schedule "A".
- (c) If a matter is not provided for under an Industry Divisions own rules as adopted by the Industry Division but is provided for under a provision of the model industry division rules, the industry divisions rules as adopted are taken to include the additional provision. Provided that an Industry Division may amend its own rules as adopted from time to time and provided further that an Industry Division may provide by means of its industry division rules that this sub-rule of these Rules does not apply to the Industry Division.
- (d) A decision of the Industry Division Committee shall form part of a recommendation to Executive for consideration.
- (e) The Executive may determine the number of members that shall comprise the Industry Sub Division Committee provided that each number shall not be less than 3 or more than 30.
- (f) Only financial members allocated to an Industry Division may vote in a ballot to determine the members of the Industry Division Committee.

76 INDUSTRY SUB-DIVISIONS

- (a) The Executive may upon recommendation of an Industry Division Committee approve the establishment of an Industry Sub-division representing such group or groups of members as the Executive determines.
- (b) An Industry Sub-division shall have a Committee which shall have the power to adopt rules for its own guidance and government. Such rules shall be approved by the Executive and be consistent with the rules of the Union and be consistent with and inclusive of the Model Industry Sub-division Committee Rules provided for in schedule "B" to these rules. Where an Industry Sub-division Committee does not adopt rules for its guidance then it shall abide by the Model Industry Sub-division Committee Rules as provided by these rules in schedule "B".
- (c) A decision of the Industry Sub-Division Committee shall form part of a recommendation to Industry Division Committee for consideration.
- (d) The Executive may determine the number of members that shall comprise the Industry Sub-Division Committee, provided that such number shall not be less than 3 nor more than 30.

- (e) Only financial members allocated to an industry Sub-Division, by the Executive, may vote in a ballot to determine the members of the Industry Sub-Division Committee.

77 SUB-BRANCHES

- (a) The Executive may upon the request of a group of members or upon the recommendation of an Industry Division Committee approve the establishment of Sub-Branches representing such group or groups of members as the Executive determines.
- (b) A Sub-Branch shall have a Committee which shall have the power to adopt rules for its own guidance and government. Such rules shall be approved by the Executive and be consistent with the rules of the Union and be consistent with and inclusive of the Model Sub-Branch Committee Rules provided for in schedule "C" to these rules. Where a Sub-Branch Committee does not adopt rules for its guidance then it shall abide by the Model Sub-Branch Committee Rules as provided by these rules in schedule "C".
- (c) A decision of a Sub-Branch Committee shall form part of a recommendation to Executive for consideration.
- (d) The Executive may determine the number of members that shall comprise the Sub-Branch Committee, provided that such number shall not be less than 3 nor more than 30.
- (e) Only financial members allocated to a Sub-Branch, by the Executive, may vote in a ballot to determine the members of the Sub-Branch Committee.

78 STEWARDS OR WORKPLACE REPRESENTATIVES, SHOP COMMITTEES AND REGIONAL COMMITTEES

- (a) A majority of members employed in any area of membership or part thereof may with the approval of the Executive appoint from amongst their number a person or persons to act as Steward/s or Workplace Representative/s and advice of such appointment shall be given to the Secretary and approved by the Executive. Failing such appointment, the Executive shall have the power to appoint Steward/s, or Workplace Representative/s and the Executive may at any time terminate the appointment of a Steward or Workplace Representative who fails to comply with the rules of the Union or with a direction of the Executive. Stewards or Workplace Representatives shall have such rights and duties as are determined by the Executive.
- (b) The Executive may upon recommendation of an Industry Division Committee approve the establishment in relation to the Industry Division of a Regional Committee of Stewards or Work Place Representatives in any geographic region.
- (c) In establishing any such Regional Committee the Executive shall determine:
 - (i) the geographic region for which the committee is established; and
 - (ii) the Stewards or Work Place Representatives who are to comprise the committee; and
 - (iii) how often the committee shall meet.
- (d) A Regional Committee shall be responsible to and subject to the control of the Executive and shall have such responsibilities as are determined by the Executive.
- (e) The Executive may approve the establishment of a Liaison Committee of members. A Liaison Committee shall be a committee of members in the same occupation or a group of related occupations the purpose of which is to provide advice to the Executive with respect to matters affecting that occupation or group of related occupations. Members of a Liaison Committee may be drawn from different Industry Divisions.
- (f) In establishing such a Liaison Committee the Executive shall determine:
 - (i) the composition of the committee; and
 - (ii) how often the committee shall meet.
- (g) A Liaison Committee shall be responsible to and subject to the control of the Executive.

- (h) Notwithstanding anything else contained in this rule where Executive has approved the establishment of a Shop Committee, a Regional Committee of Stewards or Workplace Representatives or a Liaison Committee under this rule then the Executive shall have the power to dissolve such committees as it sees fit.
- (i) Notwithstanding anything else the Executive shall have the power to determine rules and/or procedures for the appointment of Stewards, Shop Committees, Regional Committees of Workplace Representatives or a Liaison Committee as it sees fit.

79 MEETINGS OF THE UNION

(a) Annual General Meeting

The Executive may determine that an Annual General Meeting of the Union be held in addition to Annual General Meetings of Industry Divisions. Where an Annual General Meeting of the Union is to be held then:

- (i) Members shall be given at least 28 days notice of such meeting.
- (ii) Any financial member shall be entitled to submit a notice of motion for consideration by the Annual General Meeting which notice of motion shall be notified to the members, provided that such notice of motion shall be submitted to the Secretary no later than 21 days prior to the holding of the Annual General Meeting.

(b) Special General Meetings

- (i) At the written requisition for a Special General Meeting by not less than 10 per cent of the membership of the Union, which requisition shall clearly state the business to be considered, the Secretary shall call a Special General Meeting of the Union and shall cause the same to take place within one month of the date of the receipt of such requisition.
- (ii) Where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.
- (iii) Members shall be given at least seven clear days notice of such a meeting.
- (iv) The notice to Members shall contain notice of the business to be dealt with at the meeting.
- (v) Such Special General Meetings may direct the Executive to conduct a plebiscite in accordance with these rules.
- (vi) Provided that the Executive may determine by resolution to hold a plebiscite of the members instead of a Special General Meeting of the Union to determine the question or request. Such plebiscite shall be held in accordance with the Plebiscite Rule of these rules

(c) General Meetings

The Executive may call a General Meeting of the Union for such purpose as it determines.

(d) Consultation of the Membership

The Secretary may call a meeting of members of the Union or of a part thereof to consider matters affecting the members of the Union or that part thereof to obtain the views of the members on the matter or matters to be considered.

(e) Voting at meetings of the Union

- (i) Any member of the Union unable to attend an Annual General Meeting, a Special General Meeting or a General Meeting or other meeting convened pursuant to this rule may appoint another member of the Union to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one proxy at any Annual General Meeting, Special General Meeting, General Meeting or other meeting convened pursuant to this rule.
- (ii) At Annual General Meetings, Special General Meetings, General Meetings or other meetings convened pursuant to this rule each member shall have one vote. Voting shall be by show of hands, except in such cases

as the meeting decides otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these rules.

80 BALLOTS/PLEBISCITES - CONTROL OF COUNCIL AND EXECUTIVE BY MEMBERS OF THE UNION

- (a) The Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Union direct the conduct of a plebiscite of the financial members of the Union on a matter concerning the Union.
- (b) The Council or Executive may direct the conduct of the plebiscite of the financial members of the Union on a matter concerning the Union.
- (c) A plebiscite shall be conducted by secret ballot by a Returning Officer in accordance with this rule and shall be completed, in the case of a plebiscite under sub-rule (a) of this rule within 2 months of the receipt by the Secretary of the request and in the case of a plebiscite under sub-rule (b) of this rule within 2 months of the direction by Council or the Executive.
- (d) Where a request has been received under sub-rule (a) of this rule or a direction given under sub-rule (b) of this rule, the Council or Executive shall not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
- (e) Where a majority of financial members of the Union voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the Council or Executive shall, so far as is practicable, implement the decision of the plebiscite.
- (f) Where a request is received under sub-rule (a) of this rule or a direction given under sub-rule (b) of this rule the Secretary shall advise the Returning Officer and the Returning Officer shall direct the conduct of the plebiscite and shall take all necessary steps to ensure the secrecy of the ballot.
- (g) The Returning Officer shall determine the opening and closing dates of the ballot.
- (h) The Council or the Executive and, where the plebiscite is held following a request pursuant to sub-rule (b) of this rule, the members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and shall, before the opening of the ballot, advise the Returning Officer of the name of each such scrutineer.
- (i) The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Union, a ballot paper initialled by the Returning Officer together with a reply paid return envelope addressed to the Returning Officer at the Returning Officers address for the purpose of the conduct of the plebiscite. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary and shall contain a direction that a voter shall not make any mark on either the ballot paper or on the return envelope which shall identify them and that any such mark shall render the vote invalid.
- (j) Subject to sub-rule (k) a scrutineer appointed under sub-rule (h) of this rule may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
- (k) A scrutineer shall observe a direction given by the Returning Officer during the conduct of the ballot and shall comply with any decision given by the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.
- (l) A voter shall cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under sub-rule (i) of this rule in accordance with the directions to voters and forwarding the ballot paper to the Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
- (m) A vote cast in the ballot shall be informal if the intention of the voter is not clear.
- (n) On completion of the counting of ballot papers returned in a plebiscite the Returning Officer shall declare the result of the plebiscite by advising the Secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.
- (o) Provided that nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

81 INSPECTION OF BOOKS

- (a) The Executive shall from time to time determine whether and to what extent and at what times and places and under what conditions and regulations the books and accounts of the Union shall be open to the members of the Union for inspection. A member, not being an Officer of the Union shall have the right of inspection of the books and accounts of the Union at such time as determined by the Executive. A member, being an officer of the Union shall have the right of inspection the books and accounts of the Union at any time during ordinary office hours of the Union.
- (b) Any member shall have the right at any time during ordinary office hours of the Union or at a General Meeting of the Union to inspect the Council and Executive Minutes and shall be afforded reasonable assistance by Union Officers to ascertain matters pertaining to the management and control of the Union's activities.

82 ARBITRATION PROCEEDINGS

In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the Union for its part to genuinely attempt a settlement of the Industrial dispute, then the Secretary shall forthwith give notification of the Industrial Dispute in the manner required by the Act.

83 INDEMNITY

The Union shall be responsible for the authorised acts of its employees, officers and agents and shall indemnify them in respect of payments made and liabilities incurred by them, if the acts, payments and liabilities were performed, made or incurred by them within the scope of their authority; and

- (a) in the ordinary and proper conduct of Union business; and
- (b) in or about anything done by them for the preservation of the activities, property, management or business of the Union.

84 AGREEMENTS AND EXECUTION OF DOCUMENTS/SEAL

- (a) Non registrable industrial contracts may be made, entered into and executed, and may from time to time be altered, varied, modified or cancelled by or on behalf of the Union by a member of the Executive approved by the Executive.
- (b) Any certified agreement within the meaning of the Act, entered into or executed by or on behalf of the Union, or any alteration, variation or cancellation of such agreement shall be executed by the Secretary.
- (c) All other agreements shall be signed by the Secretary.
- (d) Other documents, including notifications of the existence or likelihood of industrial disputes, may be signed and executed by and on behalf of the Union:
 - (i) by the Secretary; or
 - (ii) the President and a Vice-President.
- (e) Every financial member of the Union employed in an area or by an employer in which an industrial agreement operates shall be bound by such industrial agreement, and every alteration, variation, modification or cancellation of such agreement made by or on behalf of the Union, and all financial members shall be, and be deemed to be, a party to the industrial agreement and further by their financial membership have accepted the benefit of any contracts made for their benefit by the Union.
- (f) The Secretary is authorised by this rule to take all necessary steps for the negotiation and settlement of the terms of any agreements with Unions registered pursuant to the Workplace Relations Act 1996 for submission and adoption by the Executive.
- (g) The Union shall have a Common Seal, which shall be affixed to all documents and instruments required to be under seal and shall only be so affixed on the authority of a resolution of the Executive.
- (h) The affixing of the Seal shall be attested by the President and the Secretary or another member appointed in writing for that purpose by the Executive or a Vice-President and the Secretary or another member appointed in writing for

that purpose by the Executive or the Treasurer and the Secretary or another member appointed in writing for that purpose by the Executive.

- (i) The Seal shall be kept in the custody of the Secretary.

85 AFFILIATION

- (a) The Executive may by resolution carried by a majority of votes cast affiliate the Union with another union or organisation having like aims or being of such kind that the interests of the members and the objects of the Union will be advanced by such affiliation. Where an affiliation has been so effected, Executive may disaffiliate the Union in the same manner.
- (b) The Executive may by a resolution affiliate the Union with a branch of the Australian Council of Trade Unions or other organisation having aims and philosophies compatible with those of the Union where affiliation has been effected in accordance with this sub-rule, the Executive may disaffiliate the Union in the same manner.
- (c) Any motion to affiliate or disaffiliate the Union shall be by notice of motion.

86 ALTERATION OF RULES

Amendments may be made to these rules or new rules may be made or any rule may be deleted, or deleted and replaced by a new rule by Council, or between meetings of Council by the Executive, provided that any such amendment, deletion or addition is to be carried by Council or the Executive, as the case may be, by a two-thirds majority of votes cast at the meeting which considers such amendment, deletion or addition.

87 STANDING ORDERS

The following order of procedure shall be adhered to as far as practicable at all meetings of the Union:

- (a) the Chairperson shall take the Chair for the meeting and upon ascertaining that a quorum is present shall then declare the meeting open for the transaction of business. In the event of no quorum being present within the time prescribed, the Chairperson shall proceed in accordance with the appropriate rule;
- (b) attendance and apologies;
- (c) minutes shall be presented for confirmation, but no discussion shall be allowed except as to their accuracy as a record of the proceedings;
- (d) business arising out of minutes;
- (e) correspondence;
- (f) financial statements and accounts;
- (g) reports;
- (h) general business;
- (i) notices of motion shall be required for rescission or alteration of standing orders, rules of debate, or some previous resolution;
- (j) a member on giving a notice of motion shall provide the Secretary with a copy of such notice;
- (k) no notice entered on the notice paper shall be proceeded with unless the member who has given such notice or some person authorised by the member in writing to move the motion be present when the business is called in its order;
- (l) notices not proceeded with shall be struck out;
- (m) no new business shall be taken later than 10 p.m. unless an extension of time be granted by the meeting prior to that hour;
- (n) Any member engaging in misconduct during a meeting or in any way making an annoyance to or obstructing the business of the meeting shall be called to order by the Chairperson and, if after being so called to order, the member

refuses or fails to obey the Chairperson, that member shall be excluded from taking any further part in the business of the meeting if, upon taking a vote forthwith for that purpose, a majority of the members present at such meeting so decide.

88 RULES OF DEBATE

- (a) The President of the Union shall, when available, preside over all meetings of the Union and act as Chairperson. In the President's absence the Deputy President shall so act. In the absence of both the President and Deputy President a Vice-President shall so act. In the event of these persons being absent the meeting shall appoint a Chairperson from those assembled.
- (b) The Chairperson shall have a deliberative vote and in the event of a tied vote, shall have a casting vote.
- (c) No discussion shall be allowed except on motion or amendment duly proposed and seconded.
- (d) Any member desiring to propose a motion or amendment or to discuss any matter under consideration must address the Chairperson. No member shall address the meeting unless called by the Chairperson.
- (e) When the Chairperson speaks during a debate, the member then speaking or offering to speak shall cease so that the Chairperson may be heard without interruption.
- (f) The Chairperson shall call to order any speaker who departs from the question or who violates the courtesies or rules of debate.
- (g) Should the Chairperson desire to take part in a debate at any meeting then the Chairperson shall vacate the Chair for the time being and another Chairperson shall be appointed in accordance with sub-rule (a) of this rule.
- (h) All questions shall be determined in the following manner:
 - (i) the mover of the motion shall have 5 minutes at the time of moving the motion to present argument in support of the motion and 5 minutes to reply, which must be limited to the answering of arguments advanced against the motion;
 - (ii) the seconder of such motion and all other speakers shall be limited to 5 minutes;
 - (iii) the meeting, on motion without debate, may extend the time of any speaker but such extension of time shall not exceed 5 minutes - the meeting may agree to further extensions on the same basis;
 - (iv) the Chairperson shall call attention to the time of all speakers 1 minute before such time expires and motions for extensions may be made when the Chairperson so calls, but not later;
 - (v) after the motion has been moved and seconded, no more than 2 members shall speak in succession on one side, either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall at once be put to the meeting, subject to Part (i) of this sub-rule;
 - (vi) all votes at meetings shall be subject to the following:
 - (A) the Chairperson shall read the motion and determine the question on the voices, provided that the Chairperson may call for a show of hands; and
 - (B) the Chairperson shall then declare the question carried or lost;
 - (vii) in the event of a motion being carried or lost by a narrow majority, any 3 members may demand a division and on a division being called for, those in favour shall go to the side of the room on the Chairperson's right and those against to the Chairperson's left and the number on each side shall be counted and the number of voters each - for and against - shall be recorded in the minutes.
- (i) At any time during debate on any motion it shall be competent for any member who has not spoken to the motion to move an amendment, which shall be subject to the following:
 - (i) all amendments must be seconded;

- (ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;
 - (iii) the effect of any proposed amendment shall not be such as to establish a direct negative to the question contained in the motion.
 - (iv) only one amendment shall be received at a time and such amendment must be disposed of before any further amendment is moved. All amendments shall be put before the original motion;
 - (v) the mover of an amendment shall not have the right of reply;
 - (vi) should an amendment be carried it becomes the substantive motion and thereon an amendment may be proposed. If however, no further amendment be proposed the amendment which has become the substantive motion shall be put without further debate subject to the mover of the original question having the right of reply.
- (j) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion shall speak more than once on the motion unless by way of personal explanation or with the consent of the meeting. Where an amendment or amendments are proposed then a member may speak for or against the motion and for or against any amendment which is proposed.
 - (k) Any member who thinks they have been misrepresented by a speaker may by the indulgence of the meeting interrupt the speaker to correct the mis-statement, but the member must not enter into argument.
 - (l) It shall be competent at any time during a debate for a member who has not spoken to the motion to rise and move "That the question be now put" but no discussion shall be allowed thereon. If this motion be duly seconded and carried, the Chairperson shall forthwith call upon the member (if any) who may have the right of reply, and immediately following such reply the Chairperson shall put the motion, which shall include the amendments (if any) which have been moved, or of which notice has been given.
 - (m) No motion upon any other subject shall be submitted until the one before the Chair is disposed of as prescribed in sub-rule (o) of this rule.
 - (n) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question shall be deemed to have closed and the Chairperson shall forthwith call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.
 - (o) A motion may be dealt with by:
 - (i) adoption as moved;
 - (ii) rejection as moved;
 - (iii) adoption after amendment of the subject matter;
 - (iv) any of the following motions which will be in order whether a motion or motion with amendments, shall be before the meeting:
 - (A) "The Order of the Day", i.e., that the next business as order be now taken;
 - (B) postponement of the question, either to a definite time or a time to be fixed;
 - (C) reference to a committee.
 - (v) Adjournment:
 - (A) of the debate;
 - (B) of the meeting.
 - (p) A motion for adjournment may be moved and seconded at any time during the meeting. The motion may be debated provided that not more than 2 speakers be allowed both for and against the motion (including the mover and seconder). There shall be no right of reply for the mover of the motion for adjournment. Such adjournment shall

occur if carried by a majority of members present. A second motion for adjournment shall not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

- (q) A member may at a meeting give a notice of motion to be moved at a future meeting by handing a copy thereof to the Secretary. Such notice of motion shall take precedence in the order in which it stands in the Minute Book, in relation to other similar notices, and it shall lapse if the member or some other member authorised in writing to move the motion on the members behalf be not present when the order of the day for such notice is read.
- (r) Questions of order shall be decided by the Chairperson, whose ruling shall be final unless challenged by a formal motion submitted to the meeting.
- (s) Any member may rise to a Point of Order when the member considers the rules of debate to have been violated. The member must submit the "Point of Order" to the Chairperson, who shall decide the question as prescribed in sub-rule (r) of this rule. Upon the question of the order being raised, the member addressing the meeting at the time shall take their seat and shall remain seated until the "Point of Order" has been decided.
- (t) A report of a committee officially presented shall be received without motion, but the adoption of such report either absolutely or by clauses shall be moved and seconded.
- (u) It shall be competent for any member to move the reconsideration of a resolution that has been passed by a meeting, provided that the member shall have given notice at a previous meeting.
- (v) It shall be competent for any member to propose that any subject shall be considered in a committee of the whole meeting. The vote on such proposition when seconded shall then be taken without discussion.
- (w) Any Standing Orders or Rule of Debate contained in this rule may be suspended by the vote of the majority of the members present at the meeting.
- (x) Rulings given by the Chairperson on any question may be subject to a motion calling to disagree with any ruling. On the motion becoming seconded, the Chairperson shall vacate the Chair which shall be taken by the Deputy President or a Vice-President or otherwise in accordance with sub-rule (a) of this rule.
- (y) No motion to dissent from the Chairperson's ruling shall be permitted unless it be made before any other business or speech has intervened.
- (z) The procedure to determine the motion shall be as follows:
 - (i) the member moving the motion shall be given 5 minutes to support the motion;
 - (ii) the Chairperson shall be given 5 minutes to defend their ruling;
 - (iii) the acting Chairperson shall then put the question and on the question being determined the Chairperson shall resume the Chair.

89 TRANSITION

PART A

- (a) For the purposes of this rule "Commencement Day" shall mean the day, pursuant to the Election Procedure Rules, that the elections, held in 2007, for the Executive are declared.
- (b) The officers holding office on Industry Division Committees pursuant to these rules on the day immediately preceding the Commencement Day shall continue to hold office until their successors are declared elected, provided that the members holding office on the Ports Industry Division Committee and the members holding office on the Private Sector Industry Division Committee, will jointly hold office on the ports and Private Sector Industry Division Committee until their successors are elected.
- (c) Despite these rules, or any rules that may have been adopted by the Committees of either the Ports Industry Division and the Private Sector Industry Division, the member who, prior to the Commencement day, holds, in accordance with these rules, the office of Industry Division Chairman for the Ports Industry Division Committee, shall, subject to sub-rule (j) of this rule, hold the office of Industry Division Chairman for the Ports and Private Sector Industry Division, until their successor is declared elected.

- (d) The members allocated pursuant to Rule 6(a) of these rules to the Ports Industry Division Committee and the Private Sector Industry Division Committee on the day immediately preceding the Commencement Day, shall on, and from, the Commencement Day, be assigned to the Ports and Private Sector Industry Division.
- (e) Despite rule 75, the rules that shall apply to the Ports and Private Sector Industry Division, on and from the Commencement Day, shall be the rules provided for in Schedule A to these rules, subject to the Executive determining:
 - (i) whether any amendments to the rules provided for by Schedule A should be made;
 - (ii) the composition of the Industry Division Committee and ensuring, so far as is practicable, that the offices on that Committee reflect the membership allocated to the Industry Division.
- (f) The Industry Divisions in relation to which the elections, to be declared on the Commencement Day, are to be held are those Industry Divisions provided for by rule 6(b) of these rules.
- (g) Any election where the persons elected shall hold office on Ports and Private Sector Industry Division Committee on, or subsequent to, the Commencement Day, shall be conducted:
 - (i) on the basis that the members who would, if rule 6(b) had effect at the close of nominations, be eligible to vote in an election for the Ports and Private Sector Industry Division, being entitled to vote; and
 - (ii) for an Industry Division Committee comprised of the offices allocated pursuant to sub-rule (e)(ii) of this rule.
- (h) For the purposes of rules 23(b) and (c), the number of members of the Ports and Private Sector Industry Division shall be the combined number of members of the Ports Industry Division and the Private Sector Industry Division on the day immediately preceding the Commencement Day.
- (i) For the purposes of rule 41 a member, otherwise qualified in accordance with these rules, shall be entitled to nominate for, and hold office in, the Ports and Private Sector Industry Division or a relevant office of Council or Executive, if on, or before, the date on which nominations close the member concerned was a financial member of either of the Ports Industry Division or the Private Sector Industry Division, and any member who was a financial member of the Ports Industry Division or the Private Sector Industry Division on, or before, the date on which nominations close for the elections to Council or Executive, may, subject to these rules, nominate any member of the Ports Industry Division or the Private Sector Industry Division to nominate as a candidate for an office in relation to the Ports and Private Sector Industry Division.
- (j) The Ports and Private Sector Industry Division Committee shall, at its first meeting held on, or subsequent to, the Commencement Day elect a chairperson.
- (k) Despite rule 75, the rules applied to the Ports and Private Sector Industry Division Committee cannot be amended unless the Executive determines to do so, and, in the event of their so doing, no amendment to those rules shall have effect until the Executive makes such determination.
- (l) On and from the Commencement Day, members allocated to the Ports Industry Division or the Private Sector Industry Division, shall be deemed to be members allocated to the Ports and Private Sector Industry Division, subject always to the right of the Executive, pursuant to those rules, to reallocate any such member.
- (m) The membership subscriptions to be paid by a member allocated on, and from, the Commencement Day to the Ports and Private Sector Industry Division shall be the subscription fee that that member was required, in accordance with these rules, to pay on the day immediately preceding the Commencement Day, provided that the subscriptions to be otherwise paid by a member pursuant to this sub-rule are subject to alteration by the Executive pursuant to rule 15 of these Rules.

PART B

- (a) For the purposes of this Rule “Operational Date” means the day from which sub-rule (c) of this rule is determined by the Executive to operate, provided that such day be subsequent to the day on which this rule is certified by the Registrar.
- (b) The provisions of these rules providing for the office of Deputy Secretary and Assistant Secretary shall not have effect until the Operational Date.

- (c) On and from the Operational Date the Union shall conduct elections, or seek an exemption from election, in accordance with these rules, for the office of Deputy Secretary and Assistant Secretary.
- (d) Up to the day immediately preceding the date the Deputy Secretary commences to hold office pursuant to sub-rule (c) of this rule the Executive may in circumstances where the Secretary is, due to absence, illness or for any other cause, unable to or unwilling to discharge the duties of the office of Secretary, appoint one of its members, or any other member of the Union who is eligible to be nominated for the office of Secretary pursuant to sub-rule (a) of the Eligibility of Candidates Rule, to act in the office during such period, preceding the date on which the Deputy Secretary commences to hold office, that the Secretary is unable or unwilling to discharge the duties of the Office of Secretary and any other member so acting shall assume the powers and functions of the Secretary.

PART C - AMALGAMATION OF THE QUEENSLAND SERVICES INDUSTRIAL UNION OF EMPLOYEES AND THE FEDERATED CLERKS' UNION OF AUSTRALIA, NORTH QUEENSLAND BRANCH, UNION OF EMPLOYEES

- (a) The purpose of this rule is to provide for:
 - (i) the amalgamation of the Queensland Services Industrial Union of Employees with the Federated Clerks' Union of Australia, North Queensland Branch, Union of Employees to constitute the amalgamated union;
 - (ii) the conduct of the first election for the offices of the amalgamated union in the year 2015 (the "2015 elections");
- (b) In this rule the following words have the meaning assigned:
 - (i) "Amalgamated Union" means the union formed by the amalgamation of the Queensland Services Industrial Union of Employees with the Federated Clerks' Union of Australia, North Queensland Branch, Union of Employees;
 - (ii) "FCUNQ" means the Federated Clerks' Union of Australia, North Queensland Branch, Union of Employees;
 - (iii) "merger rule changes" means the provisions of this rule and the rule changes made to these rules in the year 2011;
 - (iv) "QSU means the Queensland Services Industrial Union of Employees;
 - (v) "Workplace Representative" means a steward and/or workplace representative and/or Office Stewards.
- (c) This rule shall apply notwithstanding any other provisions of these rules.
- (d) The merger rule changes will take effect on, and from, Amalgamation Day.
- (e) The Amalgamated Union and its members will comply with the merger rules changes severably as provided for in this rule.
- (f) All persons who were, on the day immediately preceding Amalgamation Day, members of the QSU will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee.
- (g) All persons who were, on the day immediately preceding Amalgamation Day, Associate members of the QSU shall on Amalgamation Day be Associate members of the Amalgamated Union without the payment of a further fee.
- (h) All persons who were, on the day immediately preceding Amalgamation Day, Life members of the QSU shall on Amalgamation Day be Life members of the Amalgamated Union without the payment of a fee.
- (i) All persons who were, on the day immediately preceding Amalgamation Day, members of the FCUNQ shall on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee.
- (j) All persons who were, on the day immediately preceding Amalgamation Day, members of the FCUNQ who had been granted a Meritorious Services Union Ticket shall on Amalgamation Day be a Life Member of the Amalgamated Union without the payment of a fee.
- (k) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) and (i), shall:

- (i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of respectively the QSU or the FCUNQ as the case may be; and
 - (ii) will, following the period referred to in part I, be obliged to make payment of subscriptions, as these rules require.
- (l) A member of the Amalgamated Union, who becomes a member, on or following Amalgamation Day, other than pursuant to sub-rules (f) and (i), is liable to pay subscriptions and fees in accordance with these rules.
 - (m) A member of the Amalgamated Union on, and from, Amalgamation Day is liable to pay levies and fines in accordance with these rules.
 - (n) The annual subscription fees to be paid by members of the Amalgamated Union subsequent to merger day shall be:
 - (i) for members who were members of the QSU on the day prior to Amalgamation Day at the level of such subscription fees on the day prior to Amalgamation Day;
 - (ii) for members who were members of the FCUNQ on the day prior to Amalgamation Day at the level of such subscription fees on the day prior to Amalgamation Day.
 - (o) For entrants to the Amalgamated Union, who were not members of the QSU or the FCUNQ on the day prior to Amalgamation Day, an amount equivalent to the level of fees of members of the QSU on the day prior to Amalgamation Day.
 - (p) This rule does not prevent the Executive being able to determine the level of subscription fees in relation to members in accordance with these rules.
 - (q) A member of the Amalgamated Union who was on the day preceding Amalgamation Day an unfinancial member of the QSU or the FCUNQ shall remain unfinancial until the member becomes financial in accordance with these rules.
 - (r) A member pursuant to sub-rule (g) shall:
 - (i) without the payment of a further fee be an Associate Member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been an Associate Member of the QSU; and
 - (ii) will, following the period referred to in part I, be obliged to make payment of fees as these rules require.
 - (s) The Executive shall on Amalgamation Day attach members to the respective Industry Division to which they are to be attached in accordance with rule 6(a) of these rules.
 - (t) The person who, on the day immediately preceding Amalgamation Day was the President of the QSU will:
 - (i) on Amalgamation Day be the President of the Amalgamated Union; and
 - (ii) will continue to hold the office of President, subject to these rules, until their successor is elected at the 2015 quadrennial elections; and
 - (iii) as the President be a member of the Executive.
 - (u) The person who, on the day immediately preceding Amalgamation Day was the Deputy President of the QSU will:
 - (i) on Amalgamation Day be the Deputy President of the Amalgamated Union; and
 - (ii) will continue to hold the office of Deputy President, subject to these rules, until their successor is elected at the 2015 quadrennial elections; and
 - (iii) as the Deputy President be a member of the Executive.
 - (v) The person who, on the day immediately preceding Amalgamation Day was the Secretary of the QSU will:
 - (i) on Amalgamation Day be the Secretary of the Amalgamated Union; and

- (ii) will continue to hold the office of Secretary, subject to these rules, until their successor is elected at the 2015 quadrennial elections; and
 - (iii) as the Secretary be a member of the Executive.
- (w) The person who, on the day immediately preceding Amalgamation Day was the Assistant Secretary of the QSU will:
- (i) on Amalgamation Day be the Assistant Secretary of the Amalgamated Union; and
 - (ii) will continue to hold the office of Assistant Secretary, subject to these rules, until their successor is elected at the 2015 quadrennial elections; and
 - (iii) as the Assistant Secretary be a member of the Executive.
- (x) The person who, on the day immediately preceding Amalgamation Day was the Vice-President (Brisbane City Council Industry Division) of the QSU, will on Amalgamation Day:
- (i) be the Vice-President (Brisbane City Council Industry Division); and
 - (ii) will continue to hold that office, subject to these rules, until their successor is elected in the 2015 quadrennial elections; and
 - (iii) as the Vice-President (Brisbane City Council Industry Division) be a member of the Executive; and
 - (iv) on the Executive exercise the number of votes determined by applying the number of members, on Amalgamation Day, in the Brisbane City Council Industry Division to the formula in sub-rule 27(ii) of these rules.
- (y) The person who, on the day immediately preceding Amalgamation Day was the Vice-President (Energy Industry Division) of the QSU, will on Amalgamation Day:
- (i) be the Vice-President (Energy Industry Division); and
 - (ii) will continue to hold that office, subject to these rules, until their successor is elected in the 2015 quadrennial elections; and
 - (iii) as the Vice-President (Energy Industry Division) be a member of the Executive; and
 - (iv) on the Executive exercise the number of votes determined by applying the number of members, on Amalgamation Day, in the Energy Industry Division to the formula in sub-rule 27(ii) of these rules.
- (z) The person who, on the day immediately preceding Amalgamation Day was the Vice-President (Local Authorities Industry Division) of the QSU, will on Amalgamation Day:
- (i) be the Vice-President (Local Authorities Industry Division); and
 - (ii) will continue to hold that office, subject to these rules, until their successor is elected in the 2015 quadrennial elections; and
 - (iii) as the Vice-President (Local Authorities Industry Division) be a member of the Executive; and
 - (iv) on the Executive exercise the number of votes determined by applying the number of members, on Amalgamation Day, in the Local Authorities Industry Division to the formula in sub-rule 27(ii) of these rules.
- (aa) The person who, on the day immediately preceding Amalgamation Day was the Vice-President (Ports and Private Sector Industry Division) of the QSU, will on Amalgamation Day:
- (i) be the Vice-President (Ports and Private Sector Industry Division); and
 - (ii) will continue to hold that office, subject to these rules, until their successor is elected in the 2015 quadrennial elections; and
 - (iii) as the Vice-President (Ports and Private Sector Industry Division) be a member of the Executive; and

- (iv) on the Executive exercise the number of votes determined by applying the number of members, on Amalgamation Day, in the Ports and Private Sector Industry Division to the formula in sub-rule 27(ii) of these rules.
- (bb) The person who, on the day immediately preceding Amalgamation Day was the Vice-President (Rail Industry Division) of the QSU, will on Amalgamation Day:
- (i) be the Vice-President (Rail Industry Division); and
 - (ii) will continue to hold that office, subject to these rules, until their successor is elected in the 2015 quadrennial elections; and
 - (iii) as the Vice-President (Rail Industry Division) be a member of the Executive; and
 - (iv) on the Executive exercise the number of votes determined by applying the number of members, on Amalgamation Day, in the Rail Industry Division to the formula in sub-rule 27(ii) of these rules.
- (cc) The person who, on the day immediately preceding Amalgamation Day was the Vice-President (Social and Community Services Industry Division) of the QSU, will on Amalgamation Day:
- (i) be the Vice-President (Social and Community Services Industry Division); and
 - (ii) will continue to hold that office, subject to these rules, until their successor is elected in the 2015 quadrennial elections; and
 - (iii) as the Vice-President (Social and Community Services Industry Division) be a member of the Executive; and
 - (iv) on the Executive exercise the number of votes determined by applying the number of members, on Amalgamation Day, in the Social and Community Services Industry Division to the formula in sub-rule 27(ii) of these rules.
- (dd) The person who, on the day immediately preceding Amalgamation Day, was the Branch President of the FCUNQ, will on Amalgamation Day:
- (i) be the Vice-President (North Queensland Clerical and Administrative Industry Division); and
 - (ii) will continue to hold that office, subject to these rules, until their successor is elected at the 2015 quadrennial elections; and
 - (iii) as the Vice-President (North Queensland Clerical and Administrative Industry Division), be a member of the Executive; and
 - (iv) on the Executive exercise the number of votes determined by applying the number of members, on Amalgamation Day, in the North Queensland Clerical and Administrative Industry Division to the formula in sub-rule 27(ii) of these rules;
- (ee) Nothing in this rule shall prevent a proxy voting where these rules provide for proxy voting.
- (ff) On Amalgamation Day the Brisbane City Council Industry Division will be entitled to be represented on the Council by the number of Councillors determined by applying the number of members, on Amalgamation Day, in the Brisbane City Council Industry Division to the formula in sub-rule 30(a) of these rules.
- (gg) On Amalgamation Day the Energy Industry Division will be entitled to be represented on the Council by the number of Councillors determined by applying the number of members, on Amalgamation Day, in the Energy Industry Division to the formula in sub-rule 30(a) of these rules.
- (hh) On Amalgamation Day the Local Authorities Industry Division will be entitled to be represented on the Council by the number of Councillors determined by applying the number of members, on Amalgamation Day, in the Local Authorities Industry Division to the formula in sub-rule 30(a) of these rules.

- (ii) On Amalgamation Day the Ports and Private Sector Industry Division will be entitled to be represented on the Council by the number of Councillors determined by applying the number of members, on Amalgamation Day, in the Ports and Private Sector Industry Division to the formula in sub-rule 30(a) of these rules.
- (jj) On Amalgamation Day the Rail Industry Division will be entitled to be represented on the Council by the number of Councillors determined by applying the number of members, on Amalgamation Day, in the Rail Industry Division to the formula in sub-rule 30(a) of these rules.
- (kk) On Amalgamation Day the Social and Community Services Industry Division will be entitled to be represented on the Council by the number of Councillors determined by applying the number of members, on Amalgamation Day, in the Social and Community Services Industry Division to the formula in sub-rule 30(a) of these rules.
- (ll) On Amalgamation Day the North Queensland Clerical and Administrative Industry Division will be entitled to be represented on the Council by the number of Councillors determined by applying the number of members, on Amalgamation Day, in the North Queensland Clerical and Administrative Industry Division to the formula in sub-rule 30(a) of these rules.
- (mm) The persons who were, on the day immediately preceding Amalgamation Day, the Councillors for the Brisbane City Council Industry Division will on Amalgamation Day:
 - (i) hold the office of Councillor for the Amalgamated Union representing the Brisbane City Council Industry Division; and
 - (ii) continue to hold those offices subject to these rules, until their successors are elected at the 2015 elections; and
 - (iii) exercise the rights and have the obligations provided by these rules.
- (nn) The persons who were, on the day immediately preceding Amalgamation Day, the Councillors for the Energy Industry Division will on Amalgamation Day:
 - (i) hold the office of Councillor for the Amalgamated Union representing the Energy Industry Division; and
 - (ii) continue to hold those offices subject to these rules, until their successors are elected at the 2015 elections; and
 - (iii) exercise the rights and have the obligations provided by these rules.
- (oo) The persons who were, on the day immediately preceding Amalgamation Day, the Councillors for the Local Authorities Industry Division will on Amalgamation Day:
 - (i) hold the office of Councillor for the Amalgamated Union representing the Local Authorities Industry Division; and
 - (ii) continue to hold those offices subject to these rules, until their successors are elected at the 2015 elections; and
 - (iii) exercise the rights and have the obligations provided by these rules.
- (pp) The persons who were, on the day immediately preceding Amalgamation Day, the Councillors for the Ports and Private Sector Industry Division will on Amalgamation Day:
 - (i) hold the office of Councillor for the Amalgamated Union representing the Ports and Private Sector Industry Division; and
 - (ii) continue to hold those offices subject to these rules, until their successors are elected at the 2015 elections; and
 - (iii) exercise the rights and have the obligations provided by these rules.
- (qq) The persons who were, on the day immediately preceding Amalgamation Day, the Councillors for the Rail Industry Division will on Amalgamation Day:
 - (i) hold the office of Councillor for the Amalgamated Union representing the Rail Industry Division; and
 - (ii) continue to hold those offices subject to these rules, until their successors are elected at the 2015 elections; and

- (iii) exercise the rights and have the obligations provided by these rules.
- (rr) The persons who were, on the day immediately preceding Amalgamation Day, the Councillors for the Social and Community Services Industry Division will on Amalgamation Day:
 - (i) hold the office of Councillor for the Amalgamated Union representing the Social and Community Services Industry Division; and
 - (ii) continue to hold those offices subject to these rules, until their successors are elected at the 2015 elections; and
 - (iii) exercise the rights and have the obligations provided by these rules.
- (ss) The persons who, on the day immediately preceding Amalgamation Day:
 - (i) were Branch Councillors of the FCUNQ;
 - (ii) held office in the Counterpart Federal Body as Branch Councillors representing the North Queensland Clerical and Administrative Industry Division of the Counterpart Federal Body,will on Amalgamation Day:
 - (i) hold the office of Councillor of the Amalgamated Union; and
 - (ii) will continue to hold those offices, subject to these rules, until their successors are elected at the 2015 elections; and
 - (iii) exercise the rights and have the obligations provided by these rules.
- (tt) On, and from, Amalgamation Day the members of the Brisbane City Council Industry Division Committee will:
 - (i) be the persons who were, on the day immediately preceding Amalgamation Day, the members of the Brisbane City Council Industry Division Committee of the QSU;
 - (ii) continue to hold that office, subject to these rules, until their successor is elected at the 2015 elections;
 - (iii) exercise the rights and have the obligations provided by these rules.
- (uu) On, and from, Amalgamation Day the members of the Energy Industry Division Committee will:
 - (i) be the persons who were, on the day immediately preceding Amalgamation Day, the members of the Energy Industry Division Committee of the QSU;
 - (ii) continue to hold that office, subject to these rules, until their successor is elected at the 2015 elections;
 - (iii) exercise the rights and have the obligations provided by these rules.
- (vv) On, and from, Amalgamation Day the members of the Local Authorities Industry Division Committee will:
 - (i) be the persons who were, on the day immediately preceding Amalgamation Day, the members of the Local Authorities Industry Division Committee of the QSU;
 - (ii) continue to hold that office, subject to these rules, until their successor is elected at the 2015 elections;
 - (iii) exercise the rights and have the obligations provided by these rules.
- (ww) On, and from, Amalgamation Day the members of the Ports and Private Sector Industry Division Committee will:
 - (i) be the persons who were, on the day immediately preceding Amalgamation Day, the members of the Ports and Private Sector Industry Division Committee of the QSU;
 - (ii) continue to hold that office, subject to these rules, until their successor is elected at the 2015 elections;
 - (iii) exercise the rights and have the obligations provided by these rules.

- (xx) On, and from, Amalgamation Day the members of the Rail Industry Division Committee will:
- (i) be the persons who were, on the day immediately preceding Amalgamation Day, the members of the Rail Industry Division Committee of the QSU;
 - (ii) continue to hold that office, subject to these rules, until their successor is elected at the 2015 elections;
 - (iii) exercise the rights and have the obligations provided by these rules.
- (yy) On, and from, Amalgamation Day the members of the Social and Community Services Industry Division Committee will:
- (i) be the persons who were, on the day immediately preceding Amalgamation Day, the members of the Social and Community Services Industry Division Committee of the QSU;
 - (ii) continue to hold that office, subject to these rules, until their successor is elected at the 2015 elections;
 - (iii) exercise the rights and have the obligations provided by these rules.
- (zz) On, and from, Amalgamation Day the members of the North Queensland Clerical and Administrative Industry Division Committee will:
- (i) be the persons who were, on the day immediately preceding Amalgamation Day, held office as Branch Councillors of the FCUNQ;
 - (ii) continue to hold that office, subject to these rules, until their successor is elected at the 2015 elections;
 - (iii) exercise the rights and have the obligations provided by these rules.
- (aaa) If on Amalgamation Day a person named in this rule is not available for any reason to hold an office referred to in this rule or has declined to hold an office referred to in this rule then the Executive is empowered to fill the vacancy, subject to the Act, by an appointment made from a person otherwise qualified by these rules to hold the office.
- (bbb) Quadrennial elections shall occur in respect of all offices of the Amalgamated Union in 2015.
- (ccc) The Industry Division Rules adopted by the:
- (i) Brisbane City Council Industry Division;
 - (ii) Energy Industry Division;
 - (iii) Local Authorities Industry Division;
 - (iv) Ports and Private Sector Industry Division;
 - (v) Rail Industry Division; and
 - (vi) Social and Community Services Industry Division,
- on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Industry Division Rules of the respective Industry Division subject to that Industry Division being able to amend its Industry Division Rules in accordance with these rules.
- (ddd) There will on a date to be determined by the Secretary be an inaugural meeting of the North Queensland Clerical and Administrative Industry Division Committee to be held within 3 months of Amalgamation Day where the quorum for the meeting will be ½ the members of the Industry Division Committee and which will adopt rules for the conduct of the North Queensland Clerical and Administrative Industry Division, which rules cannot be inconsistent with these rules.
- (eee) Notice of the inaugural meeting of the North Queensland Clerical and Administrative Industry Division Committee will be given by the Secretary.

- (fff) Financiality for the purposes of rules 15 and 17 of these rules is inclusive of, and continuous with, the period of financial membership of the QSU with the FCUNQ.
- (ggg) Workplace Representatives of the QSU and the FCUNQ will on Amalgamation Day be Workplace Representatives of the Amalgamated Union.
- (hhh) All property and other assets of the QSU or the FCUNQ held respectively by the QSU or the FCUNQ on the day preceding Amalgamation Day shall be held in the Union Fund of the Amalgamated Union and by the Amalgamated Union on Amalgamation Day.
- (iii) The liabilities of the QSU on the day preceding Amalgamation Day shall become the liabilities of the Amalgamated Union on Amalgamation Day excepting any liabilities of the QSU which existed on the day preceding Amalgamation Day in relation to monies owed to the FCUNQ in respect of the period prior to Amalgamation Day which liability is recognised as forgiven by the FCUNQ as, and from, Amalgamation Day.
- (jjj) The liabilities of the FCUNQ on the day preceding Amalgamation Day shall become the liabilities of the Amalgamated Union on Amalgamation Day excepting any liabilities of the FCUNQ which existed on the day preceding Amalgamation Day in relation to monies owed to the QSU in respect of the period prior to Amalgamation Day which liability is recognised as forgiven by the QSU as, and from, Amalgamation Day.
- (kkk) Any affiliation to a state or national organisation by the QSU or the FCUNQ shall be maintained by the Union subject to these rules.
- (lll) Any proceedings commenced, prior to Amalgamation Day, in the name of the QSU or the FCUNQ shall on, and from, Amalgamation Day be continued in the name of the Amalgamated Union.
- (mmm) Any proceedings commenced pursuant to the QSU rules prior to Amalgamation Day, against a member of the QSU shall on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.
- (nnn) Any proceedings commenced pursuant to the FCUNQ rules prior to Amalgamation Day, against a member of the FCUNQ shall on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.
- (ooo) Any member of the QSU suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the QSU, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the QSU, has elapsed.
- (ppp) Any member of the FCUNQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the FCUNQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the FCUNQ, has elapsed.
- (qqq) The Executive Sub-Committees of the QSU that existed on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Executive Sub-Committees of the Amalgamated Union.
- (rrr) The Returning Officer of the QSU on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Returning Officer of the Amalgamated Union.
- (sss) The Auditor of the QSU on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the Amalgamated Union.
- (ttt) The books, papers, accounts, financial statements, records, documents, computer records and registers of the QSU as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.
- (uuu) The books, papers, accounts, financial statements, records, documents, computer records and registers of the FCUNQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.
- (vvv) Except as otherwise provided for in this rule, this rule may be altered by resolution of the Executive provided that of the votes cast 2/3 of the total vote are cast in favour of any alternation.

SCHEDULE A – INDUSTRY DIVISION COMMITTEE

1 Industry Division Committee

There shall be in each Industry Division of the Union an Industry Division Committee which shall, subject to these rules and the control of the Executive of the Union, control and manage the affairs of the Industry Division.

2 Industry Division Committee Membership

- (a) Membership of each Industry Division Committee shall consist of an Industry Division Chairperson who shall be the Vice-President (Industry) elected from and representing the Industry Division (hereafter in these Industry Division Rules referred to as the Chairperson), and not less than 3 or more than 30 committee members as the Industry Division Committee shall, at its meeting held immediately prior to nominations being called for the election of members to the Industry Division Committee, determine or as may otherwise be determined in accordance with the rules of the Union.
- (b) For the purpose of determining the number of members on the Industry Division Committee the Chairperson of the Committee shall be counted as a member of the Industry Division Committee as shall any other Vice-President (Industry) who becomes a member of the committee pursuant to the rule.
- (c) All members of the Industry Division Committee, other than the Chairperson, and any other Vice-President (Industry), shall be elected each 4 years by the financial members allocated to the Industry Division, subject to this rule, and in accordance with the Election Procedure Rules of the rules of the Union.
- (d) A member of the Industry Division Committee who is no longer allocated to that Industry Division shall forthwith cease to be a member of the Industry Division Committee.
- (e) Any members of the Executive of the Union who are representing an Industry Division shall be deemed to be ex-officio members of the Industry Division Committee if not already elected members.

3 Powers and Duties

- (a) The Industry Division Committee shall, subject to the control of the Executive of the Union do all such things as are necessary for the control and management of the affairs of the Industry Division. Provided that the Industry Division Committee shall have autonomy with respect to the conduct of the Industrial affairs of that Industry Division subject to the rules and to Union Policy.
- (b) The Industry Division Committee shall through its Chairperson present to General Meetings of the Industry Division a report of the business of the Industry Division.
- (c) The Industry Division Committee shall through its Chairperson, and as requested by the Executive of the Union, submit to the Executive of the Union a report of the Business of the Industry Division and/or such other matter as the Executive requires.

4 Industry Division Committee Meetings

- (a) The Industry Division Committee shall meet at least four times per year and on such other occasions as its members may determine. The Secretary of the Union shall upon the request of the Industry Division Chairperson, or any 2 members of the Industry Division Committee summon a meeting of the Industry Division Committee.
- (b) The Secretary of the Union shall give at least 24 hours notice when summoning members to meetings of the Industry Division Committee.
- (c) Notwithstanding anything hereinbefore contained, where the Industry Division Chairperson or the Secretary of the Union consider that a matter requires urgent attention, a meeting of the Industry Division Committee may be called by the Industry Division Chairperson or the Secretary of the Union who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Industry Division Committee are able to communicate with each other without being physically present.
- (d) The Industry Division shall at its first meeting immediately following elections, elect one of the members of the Industry Division Committee as Deputy Chairperson.
- (e) The Industry Division shall at its first meeting immediately following elections, elect a member of the Industry Division Committee to act in the capacity of Minute Secretary.

- (f) A member of the Industry Division Committee not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Industry Division as proxy to attend the meeting and to exercise such members vote. Provided that no member shall hold more than one proxy at any meeting.
- (g) At any meeting of the Industry Division Committee a majority of the total membership of the Industry Division Committee shall constitute a quorum.
- (h) If at any meeting of the Industry Division Committee no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- (i) At meetings of the Industry Division Committee each member shall have one vote.
- (j) Voting shall be by show of hands, except in such cases as the Industry Division Committee shall decide otherwise.
- (k) A member of the Industry Division Committee absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with the Misconduct and Removals Rule of the rules of the Union.
- (l) The Chairperson shall have a deliberative vote and in the event of a tied vote shall have a casting vote.
- (m) Decisions shall be by simple majority of the votes cast by those present unless otherwise provided by these rules.
- (n) The minutes of each Industry Division Committee meeting shall be prepared by the Minute Secretary who shall provide a copy of the minutes to the Secretary of the Union who shall:
 - (i) ensure that a copy of the minutes be forwarded to each member of the Industry Division Committee; and
 - (ii) retain a copy for the Union's records.
- (o) A copy of the minutes of each Industry Division Committee meeting shall be available for the inspection by the financial members of the Industry Division during the ordinary office hours of the Union.

5 Industry Division General Meetings

- (a) An Industry Division Committee may determine to hold an Annual General Meeting of the financial members of the Industry Division. Members shall be given at least 21 clear days notice of such meeting.
- (b) Any financial member of the Industry Division shall be entitled to submit an item of business for consideration by the Annual General Meeting, which shall be included in the business of the meeting, provided that such an item of business shall be submitted to the Secretary of the Union not later than 7 days prior to the holding of the Annual General Meeting.
- (c) At the written requisition of not less than 10 percent of the financial members of an Industry Division, which requisition shall clearly state the business to be considered, the Secretary of the Union shall call a Special General Meeting of the Industry Division and shall call the same to take place within 1 month of the date of the receipt of such requisition. Only the business stated in the requisition for the meeting shall be considered at such meeting. Members of the Industry Division shall be given at least 7 clear days notice of such a meeting and the notice shall contain notice of the business to be dealt with at the meeting.
- (d) Any financial member of the Industry Division unable to attend a General Meeting may appoint another financial member of the Industry Division to exercise a vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Chairperson prior to the commencement of the meeting. Provided that no member shall hold more than one proxy at any meeting.
- (e) At an Annual General Meeting - where the membership of the Industry Division is less than 1,000 members, 15 financial members or 10 per cent of the total financial membership, whichever is the less, shall constitute a quorum; where membership of the Industry Division is 1,000 or more, 25 financial members shall constitute a quorum. For the purposes of constituting a quorum, proxies held in accordance with this rule shall be counted. If no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days or more than 14 days. Members of the Industry Division shall be given 2 clear

days' notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.

6 Ballots/Plebiscites - Control of Industry Division Committee by Member of the Industry Division

- (a)
 - (i) The Secretary of the Union shall, on receipt of a request in writing signed by 10 percent of the financial members of an Industry Division direct the conduct of a plebiscite of the financial members of the Industry Division on a matter concerning and limited to the Industry Division.
 - (ii) The Secretary of the Union shall, where it has been resolved by a majority of not less than three quarters of the members of the Industry Division Committee to conduct a plebiscite and where the Secretary of the Union has been so requested by the Industry Division Committee, conduct a plebiscite of the financial members of the Industry Division on a matter concerning and limited to the Industry Division.
 - (iii) A plebiscite shall be conducted by secret ballot by the Industry Division Returning Officer and shall be completed, in the case of a plebiscite under paragraph (i) of this sub-rule within 2 months of the receipt by the Secretary of the Union of the request and in the case of a direction under paragraph (ii) of this sub-rule within 2 months of the direction.
 - (iv) Where a request has been received under paragraph (i) or a direction under paragraph (ii) of this sub-rule, the Industry Division Committee of Management shall not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
 - (v) Where a majority of financial members of the Industry Division voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the Industry Division Committee shall, so far as is practicable, implement the decision of the plebiscite.
- (b)
 - (i) Where a request is received under paragraph (i) of sub-rule (a) or a direction given under paragraph (ii) of sub-rule (a) of this rule, the Secretary of the Union shall advise the Returning Officer, and the Returning Officer shall direct the conduct of the plebiscite and shall take all necessary steps to ensure the secrecy of the ballot.
 - (ii) The Returning Officer shall determine the opening and closing dates of a ballot conducted pursuant to this rule.
 - (iii) The Industry Division Committee and ,where the plebiscite is held following a request pursuant to paragraph (i) of sub-rule (a) of this rule, the members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and shall, before the opening of the ballot, advise the Returning Officer of the name of each such scrutineer.
 - (iv) The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Industry Division, a ballot paper initialled by the Returning Officer together with a reply paid return envelope addressed to the Returning Officer. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary and appropriate.
 - (v) Subject to paragraph (vi) of this sub-rule a scrutineer appointed under paragraph (iii) of this sub-rule may be present during the conduct of the ballot by the Industry Division Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
 - (vi) A scrutineer shall observe a direction given by the Returning Officer during the conduct of the ballot and shall comply with any decision given by the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.
 - (vii) A member of an Industry Division shall cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under paragraph (iv) of this sub-rule in accordance with the directions to voters (if any) and forwarding the ballot paper to the Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
 - (viii) A vote cast in the ballot shall be informal if the intention of the voter is not clear.
 - (ix) On completion of the counting of ballot papers returned in a plebiscite the Returning Officer shall declare the result of the plebiscite by advising the Secretary of the Union in writing of the number of ballot papers

forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

- (c) Provided that nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

7 Industry Division Chairperson/Deputy Chairperson

- (a) The Industry Division Chairperson shall be the chief presiding officer of the Industry Division.
- (b) The Industry Division Chairperson shall preside at all meetings of the Industry Division when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
- (c) The Industry Division Chairperson shall be impartial in all transactions and shall ensure that the rules of the Union are adhered to.
- (d) If the Industry Division Chairperson is not in attendance at a meeting within 10 minutes of the time notified for the commencement of the meeting then the Chairperson shall be deemed to be absent for the purpose of this rule.
- (e) Leave of absence may be granted by the Industry Division Committee to the Industry Division Chairperson for any purpose and for any period of time and the Industry Division Chairperson shall, when granted a leave of absence, be deemed to be absent for the purpose of this rule.
- (f) The Deputy Chairperson shall act in the absence of the Industry Division Chairperson as the Industry Division Chairperson, and such member shall so act with the powers of the Industry Division Chairperson.

8 Secretary

The Secretary of the Union shall be responsible to the Industry Division Committee for the conduct and management of the affairs of the Industry Division, on a day to day basis, and shall take advice from the Industry Division Chairperson as to the course to be pursued in any matter pending the next meeting of the Industry Division Committee.

9 Industry Division Auditor

- (a) The Auditor in the Industry Division shall be the Auditor as appointed by the Union from time to time.
- (b) The Auditor shall audit the books and financial statements of the Industry Division at the end of each financial year and at such other times as the Industry Division Committee shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Industry Division and may examine any office-bearers or officer of the Industry Division Committee in regard to the account.
- (c) The Industry Division Auditor shall furnish a written statement that all documents and statements certified to are in accordance with law and the rules of the Union, or, if unable to certify to the correctness of any of them, report forthwith to the Industry Division Committee in what respect they are incorrect.
- (d) The Industry Division Auditor shall have power to place before the Industry Division Committee any suggestions concerning the financial affairs of the Industry Division.
- (e) In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the Industry Division Committee shall inform the Secretary of the Union who shall ensure that the Executive of the Union at its next meeting appoints an Auditor, qualified as provided for by these rules of the Union, as a replacement.

10 Returning Officer

The Industry Division Returning Officer shall be the Returning Officer as appointed by the Union from time to time.

11 Standing Orders

The Industry Division Committee shall, with the necessary changes being made, adopt the Standing Orders as provided for in the rules of the Union.

12 Rules of Debate

The Industry Division Committee shall, with the necessary changes being made, adopt the Rules of Debate as provided for in the rules of the Union.

SCHEDULE B – INDUSTRY SUB-DIVISION COMMITTEE

1 Industry Sub-division Committee

There shall be in each Industry Sub-division of the Union an Industry Sub-division Committee which shall, subject to these rules and the control of the Executive of the Union, control and manage the affairs of the Industry Sub-division.

2 Industry Sub-division Committee Membership

- (a) Membership of each Industry Sub-division Committee shall consist of an Industry Sub-division Chairperson, and not less than 3 or more than 30 committee members as the Industry Sub-division Committee shall, at its meeting held immediately prior to nominations being called for the election of members to the Industry Sub-division Committee, determine or as may otherwise be determined in accordance with the rules of the Union.
- (b) For the purpose of determining the number of members on the Industry Sub-division Committee the Chairperson of the Committee shall be counted as a member of the Industry Sub-division Committee.
- (c) All members of the Industry Sub-division Committee shall be elected each 4 years by the financial members allocated, by the Executive, to the Industry Sub-division, subject to this rule, and in accordance with the Election Procedure Rules of the rules of the Union.
- (d) The Industry Sub-division Committee shall at its first meeting following the biennial elections elect a member of the Industry Sub-division Committee as Chairperson of the Industry Sub-division Committee.
- (e) A member of the Industry Sub-division Committee who is no longer allocated to that Industry Sub-division shall forthwith cease to be a member of the Industry Sub-division Committee.
- (f) Any members of the Executive of the Union who are representing an Industry Sub-division shall be deemed to be ex-officio members of the Industry Sub-division Committee if not already elected members.

3 Powers And Duties

- (a) The Industry Sub-division Committee shall, subject to the control of the Executive of the Union do all such things as are necessary for the control and management of the affairs of the Industry Sub-division.
- (b) The Industry Sub-division Committee shall through its Chairperson present to the Annual General Meeting of the Industry Sub-division a report of the business of the preceding year.
- (c) The Industry Sub-division Committee shall through its Chairperson, and as requested by the Executive of the Union, submit a report of the Business of the preceding year and/or such other matter as the Executive requires.

4 Industry Sub-division Committee Meetings

- (a) The Industry Sub-division Committee shall meet at least four times per year and on such other times as its members may determine. The Secretary of the Union shall upon the request of the Industry Sub-division Chairperson, or any 2 members of the Industry Sub-division Committee summon a meeting of the Industry Sub-division Committee.
- (b) The Secretary of the Union shall give at least 24 hours notice when summoning members to meetings of the Industry Sub-division Committee.
- (c) Notwithstanding anything hereinbefore contained, where the Industry Sub-division Chairperson or the Secretary of the Union consider that a matter requires urgent attention, a meeting of the Industry Sub-division Committee may be called by the Industry Sub-division Chairperson or the Secretary of the Union who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Industry Sub-division Committee are able to communicate with each other without being physically present.
- (d) If the Industry Sub-division Chairperson be absent from a meeting of the Industry Sub-division Committee of Management, the meeting shall elect one of the members of the Industry Sub-division Committee to act, for the

purposes of the meeting, as the Chairperson and such member shall so act with the powers of the Industry Sub-division Chairperson.

- (e) The Industry Division shall at its first meeting immediately following elections, elect a member of the Industry Division Committee to act in the capacity of Minute Secretary.
- (f) A member of the Industry Sub-division Committee not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Industry Sub-division as proxy to attend the meeting and to exercise such members vote. Provided that no member shall hold more than one proxy at any meeting.
- (g) At any meeting of the Industry Sub-division Committee a majority of the total membership of the Industry Sub-division Committee shall constitute a quorum.
- (h) If at any meeting of the Industry Sub-division Committee no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- (i) At meetings of the Industry Sub-division Committee each member shall have one vote.
- (j) Voting shall be by show of hands, except in such cases as the Industry Sub-division Committee shall decide otherwise.
- (k) A member of the Industry Sub-division Committee absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with the Misconduct and Removals Rule of the rules of the Union.
- (l) The Chairperson shall have a deliberative vote and in the event of a tied vote shall have a casting vote.
- (m) Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules or in the rules of the Union.
- (n) The minutes of each Industry Sub-division Committee meeting shall be prepared by the minute secretary who shall, at the conclusion of the meeting provide a copy of the minutes to the Secretary of the Union who shall:
 - (i) ensure that a copy of the minutes be forwarded to each member of the Industry Sub-division Committee; and
 - (ii) retain a copy for the Union's records.
- (o) A copy of the minutes of each Industry Sub-division Committee meeting shall be available for the inspection of the members of the Industry Sub-division during the ordinary office hours of the Union.

5 Industry Sub-division General Meetings

- (a) An Industry Sub-division Committee may determine to hold an Annual General Meeting of the financial members of the Industry Sub-division Division, which if held shall be held in either the months of July or August. Members shall be given at least 21 clear days notice of such meeting.
- (b) Any financial member of the Industry Division shall be entitled to submit an item of business for consideration by the Annual General Meeting, which shall be included in the business of the meeting, provided that such an item of business shall be submitted to the Secretary of the Union not later than 7 days prior to the holding of the Annual General Meeting.
- (c) At the written requisition of not less than 10 percent of the financial members of an Industry Sub-division, which requisition shall clearly state the business to be considered, the Secretary of the Union shall call a Special General Meeting of the Industry Sub-division and shall call the same to take place within 1 month of the date of the receipt of such requisition. Only the business stated in the requisition for the meeting shall be considered at such meeting. Members of the Industry Sub-division shall be given at least 7 clear days notice of such a meeting and the notice shall contain notice of the business to be dealt with at the meeting.
- (d) Any financial member of the Industry Sub-division unable to attend a General Meeting may appoint another financial member of the Industry Sub-division to exercise a vote at that meeting. Such proxy shall be in the prescribed form

and shall be handed to the Chairperson prior to the commencement of the meeting. Provided that no member shall hold more than one proxy at any meeting.

- (e) At an Annual General Meeting - where the membership of the Industry Sub-division is less than 1,000 members, 15 financial members or 10 per cent of the total financial membership, whichever is the less, shall constitute a quorum; where membership of the Industry Sub-division is 1,000 or more, 25 financial members shall constitute a quorum. For the purposes of constituting a quorum, proxies held in accordance with this rule shall be counted. If no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days or more than 14 days. Members of the Industry Sub-division shall be given 2 clear days' notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.

6 Ballots/Plebiscites - Control of Industry Sub-division Committee by Member of the Industry Sub-division

- (a)
 - (i) The Secretary of the Union shall, on receipt of a request in writing signed by 10 percent of the financial members of an Industry Sub-division direct the conduct of a plebiscite of the financial members of the Industry Sub-division on a matter concerning that Industry Sub-division.
 - (ii) The Secretary of the Union shall, where it has been resolved by a majority of not less than three quarters of the members of the Industry Sub-division Committee to conduct a plebiscite and where the Secretary of the Union has been so requested by the Industry Sub-division Committee, conduct a plebiscite of the financial members of the Industry Sub-division on a matter concerning and limited to the Industry Sub-division.
 - (iii) A plebiscite shall be conducted by secret ballot by the Returning Officer and shall be completed, in the case of a plebiscite under paragraph (i) of this sub-rule within 2 months of the receipt by the Secretary of the request and in the case of a direction under paragraph (ii) of this sub-rule within 2 months of the direction.
 - (iv) Where a request has been received under paragraph (i) or a direction under paragraph (ii) of this sub-rule, the Industry Sub-division Committee shall not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
 - (v) Where a majority of financial members of the Industry Sub-division voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the Industry Sub-division Committee shall, so far as is practicable, implement the decision of the plebiscite.
- (b)
 - (i) Where a request is received under paragraph (i) of sub-rule (a) or a direction given under paragraph (ii) of sub-rule (a) of this rule, the Secretary shall advise the Returning Officer, and the Returning Officer shall direct the conduct of the plebiscite and shall take all necessary steps to ensure the secrecy of the ballot.
 - (ii) The Returning Officer shall determine the opening and closing dates of a ballot conducted pursuant to this rule.
 - (iii) The Industry Sub-division Committee and, where the plebiscite is held following a request pursuant to paragraph (i) of sub-rule (a) of this rule, the members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and shall, before the opening of the ballot, advise the Returning Officer of the name of each such scrutineer.
 - (iv) The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Industry Sub-division, a ballot paper initialled by the Returning Officer together with a reply paid return envelope addressed to the Returning Officer. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary and appropriate.
 - (v) Subject to paragraph (vi) of this sub-rule a scrutineer appointed under paragraph (iii) of this sub-rule may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
 - (vi) A scrutineer shall observe a direction given by the Returning Officer during the conduct of the ballot and shall comply with any decision given by the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.

(vii) A member of an Industry Sub-division shall cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under paragraph (iv) of this sub-rule in accordance with the directions to voters (if any) and forwarding the ballot paper to the Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.

(vii) A vote cast in the ballot shall be informal if the intention of the voter is not clear.

(ix) On completion of the counting of ballot papers returned in a plebiscite the Returning Officer shall declare the result of the plebiscite by advising the Secretary of the Union in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

(c) Provided that nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

7 Industry Sub-division Chairperson

(a) The Industry Sub-division Chairperson shall be the chief presiding officer of the Industry Sub-division.

(b) The Industry Sub-division Chairperson shall preside at all meetings of the Industry Sub-division when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.

(c) The Industry Sub-division Chairperson shall be impartial in all transactions and shall ensure that the rules of the Union are adhered to.

(d) If the Industry Division Chairperson is not in attendance at a meeting within 10 minutes of the time notified for the commencement of the meeting then the Chairperson shall be deemed to be absent for the purpose of this rule.

(e) Leave of absence may be granted by the Industry Division Committee to the Industry Division Chairperson for any purpose and for any period of time and the Industry Division Chairperson shall, when granted a leave of absence, be deemed to be absent for the purpose of this rule.

(f) Leave of absence may be granted by the Industry Division Committee to the Industry Division Chairperson for any purpose and for any period of time and the Industry Division Chairperson shall, when granted a leave of absence, be deemed to be absent for the purpose of this rule.

(g) The Deputy Chairperson shall act in the absence of the Industry Division Chairperson as the Industry Division Chairperson, and such member shall so act with the powers of the Industry Division Chairperson.

8 Secretary

The Secretary of the Union shall be responsible to the Industry Sub-division Committee for the conduct and management of the affairs of the Industry Sub-division, on a day to day basis, and shall take advice from the Industry Sub-division Chairperson as to the course to be pursued in any matter pending the next meeting of the Industry Sub-division Committee.

9 Industry Sub-division Auditor

(a) The Industry Sub-division Auditor shall be the Auditor as appointed by the Union from time to time.

(b) The Industry Sub-division Auditor shall audit the books and financial statements of the Industry Sub-division at the end of each financial year and at such other times as the Industry Sub-division Committee shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Industry Sub-division and may examine any office-bearers or officer of the Industry Sub-division Committee in regard to the accounts, and is hereby authorised to obtain from any bank in which the Industry Sub-division funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.

(c) The Industry Sub-division Auditor shall furnish a written statement that all documents and statements certified to are in accordance with law and the rules of the Union, or, if unable to certify to the correctness of any of them, report forthwith to the Industry Sub-division Committee in what respect they are incorrect.

- (d) The Industry Sub-division Auditor shall have power to place before the Industry Sub-division Committee any suggestions concerning the financial affairs of the Industry Sub-division.
- (e) In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the Industry Sub-division Committee shall inform the Secretary of the Union who shall ensure that the Executive of the Union at its next meeting appoints an Auditor, qualified as provided for by these rules, as a replacement.

10 Returning Officer

The Industry Division Returning Officer shall be the Returning Officer as appointed by the Union from time to time.

11 Standing Orders

The Industry Sub-division Committee shall, with the necessary changes being made, adopt the Standing Orders as provided for in the rules of the Union.

12 Rules of Debate

The Industry Sub-division Committee shall, with the necessary changes being made, adopt the Rules of Debate as provided for in the rules of the Union.

SCHEDULE C – SUB-BRANCH COMMITTEE

1 Sub-branch Committee

There shall be in each Sub-branch of the Union a Sub-branch Committee which shall, subject to these rules and the control of the Executive of the Union, control and manage the affairs of the Sub-branch.

2 Sub-branch Committee Membership

- (a) Membership of each Sub-branch Committee shall consist of a Sub-branch Chairperson, and not less than 3 or more than 30 committee members as the Sub-branch Committee shall, at its meeting held immediately prior to nominations being called for the election of members to the Sub-branch Committee, determine or as may otherwise be determined in accordance with the rules of the Union.
- (b) For the purpose of determining the number of members on the Sub-branch Committee the Chairperson of the Committee shall be counted as a member of the Sub-branch Committee.
- (c) All members of the Sub-branch Committee shall be elected each 4 years by the financial members allocated, by the executive, to the Sub-branch subject to this rule, and in accordance with the Elections Procedure Rules of the rules of the Union.
- (d) The Sub-branch Committee shall at its first meeting following the biennial elections elect a member of the Sub-branch Committee as Chairperson of the Sub-branch Committee.
- (e) A member of the Sub-branch Committee who is no longer allocated to that Sub-branch shall forthwith cease to be a member of the Sub-branch Committee.
- (f) Any members of the Executive of the Union who are representing a Sub-branch shall be deemed to be ex-officio members of the Sub-branch Committee if not already elected members.

3 Powers And Duties

- (a) The Sub-branch Committee shall, subject to the control of the Executive of the Union do all such things as are necessary for the control and management of the affairs of the Sub-branch.
- (b) The Sub-branch Committee shall through its Chairperson present to the Annual General Meeting of the Sub-branch a report of the business of the preceding year.
- (c) The Sub-branch Committee shall through its Chairperson, and as requested by the Executive of the Union, submit a report of the Business of the preceding year and/or such other matter as the Executive requires.

4 Sub-branch Committee Meetings

- (a) The Sub-branch Committee shall meet at least four times per year and on such other times as its members may determine. The Secretary of the Union shall upon the request of the Sub-branch Chairperson, or any 2 members of the Sub-branch Committee summon a meeting of the Sub-branch Committee.
- (b) The Secretary shall give at least 24 hours notice when summoning members to meetings of the Sub-branch Committee.
- (c) Notwithstanding anything hereinbefore contained, where the Sub-branch Chairperson or the Secretary of the Union consider that a matter requires urgent attention, a meeting of the Sub-branch Committee may be called by the Sub-branch Chairperson or the Secretary of the Union who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Sub-branch Committee are able to communicate with each other without being physically present.
- (d) If the Sub-branch Chairperson be absent from a meeting of the Sub-branch Committee of Management, the meeting shall elect one of the members of the Sub-branch Committee to act, for the purposes of the meeting, as the Chairperson and such member shall so act with the powers of the Sub-branch Chairperson.
- (e) The Sub-branch shall at its first meeting immediately following elections, elect a member of the Sub-branch Committee to act in the capacity of Minute Secretary.
- (f) A member of the Sub-branch Committee not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Sub-branch as proxy to attend the meeting and to exercise such members vote. Provided that no member shall hold more than one proxy at any meeting.
- (g) At any meeting of the Sub-branch Committee a majority of the total membership of the Sub-branch Committee shall constitute a quorum.
- (h) If at any meeting of the Sub-branch Committee no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- (i) At meetings of the Sub-branch Committee each member shall have one vote.
- (j) Voting shall be by show of hands, except in such cases as the Sub-branch Committee shall decide otherwise.
- (k) A member of the Sub-branch Committee absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with the Misconduct and Removals Rule of the rules of the Union.
- (l) The Chairperson shall have a deliberative vote and in the event of a tied vote shall have a casting vote.
- (m) Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules or in the rules of the Union.
- (n) The minutes of each Sub-branch Committee meeting shall be prepared by the minute secretary who shall, at the conclusion of the meeting provide a copy of the minutes to the Secretary of the Union who shall:
 - (i) ensure that a copy of the minutes be forwarded to each member of the Sub-branch Committee; and
 - (ii) retain a copy for the Union's records.
- (o) A copy of the minutes of each Sub-branch Committee meeting shall be available for the inspection of the members of the Sub-branch during the ordinary office hours of the Union.

5 Sub-branch General Meetings

- (a) A Sub-branch Committee may determine to hold an Annual General Meeting of the financial members of the Sub-branch, which if held shall be held in either the months of July or August. Members shall be given at least 21 clear days notice of such meeting.

- (b) Any financial member of the Sub-branch shall be entitled to submit an item of business for consideration by the Annual General Meeting, which shall be included in the business of the meeting, provided that such an item of business shall be submitted to the Secretary of the Union not later than 7 days prior to the holding of the Annual General Meeting.
- (c) At the written requisition of not less than 10 percent of the financial members of a Sub-branch, which requisition shall clearly state the business to be considered, the Secretary of the Union shall call a Special General Meeting of the Sub-branch and shall call the same to take place within 1 month of the date of the receipt of such requisition. Only the business stated in the requisition for the meeting shall be considered at such meeting. Members of the Sub-branch shall be given at least 7 clear days notice of such a meeting and the notice shall contain notice of the business to be dealt with at the meeting.
- (d) Any financial member of the Sub-branch unable to attend a General Meeting may appoint another financial member of the Sub-branch to exercise a vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Chairperson prior to the commencement of the meeting. Provided that no member shall hold more than one proxy at any meeting.
- (e) At an Annual General Meeting - where the membership of the Sub-branch is less than 1,000 members, 15 financial members or 10 per cent of the total financial membership, whichever is the less, shall constitute a quorum; where membership of the Sub-branch is 1,000 or more, 25 financial members shall constitute a quorum. For the purposes of constituting a quorum, proxies held in accordance with this rule shall be counted. If no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days or more than 14 days. Members of the Sub-branch shall be given 2 clear days' notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.

6 Ballots/Plebiscites - Control of Sub-branch Committee by Member of the Sub-branch

- (a)
 - (i) The Secretary of the Union shall, on receipt of a request in writing signed by 10 percent of the financial members of an Sub-branch direct the conduct of a plebiscite of the financial members of the Sub-branch on a matter concerning that Sub-branch.
 - (ii) The Secretary of the Union shall, where it has been resolved by a majority of not less than three quarters of the members of the Sub-branch Committee to conduct a plebiscite and where the Secretary of the Union has been so requested by the Sub-branch Committee, conduct a plebiscite of the financial members of the Sub-branch on a matter concerning and limited to the Sub-branch.
 - (iii) A plebiscite shall be conducted by secret ballot by the Returning Officer and shall be completed, in the case of a plebiscite under paragraph (i) of this sub-rule within 2 months of the receipt by the Secretary of the request and in the case of a direction under paragraph (ii) of this sub-rule within 2 months of the direction.
 - (iv) Where a request has been received under paragraph (i) or a direction under paragraph (ii) of this sub-rule, the Sub-branch Committee of Management shall not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
 - (v) Where a majority of financial members of the Sub-branch voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the Sub-branch Committee shall, so far as is practicable, implement the decision of the plebiscite.
- (b)
 - (i) Where a request is received under paragraph (i) of sub-rule (a) or a direction given under paragraph (ii) of sub-rule (a) of this rule, the Secretary shall advise the Returning Officer, and the Returning Officer shall direct the conduct of the plebiscite and shall take all necessary steps to ensure the secrecy of the ballot.
 - (ii) The Returning Officer shall determine the opening and closing dates of a ballot conducted pursuant to this rule.
 - (iii) The Sub-branch Committee and ,where the plebiscite is held following a request pursuant to paragraph (i) of sub-rule (a) of this rule, the members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and shall, before the opening of the ballot, advise the Returning Officer of the name of each such scrutineer.
 - (iv) The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Sub-branch, a ballot paper initialled by the Returning Officer

together with a reply paid return envelope addressed to the Returning Officer. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary and appropriate.

- (v) Subject to paragraph (vi) of this sub-rule a scrutineer appointed under paragraph (iii) of this sub-rule may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
 - (vi) A scrutineer shall observe a direction given by the Returning Officer during the conduct of the ballot and shall comply with any decision given by the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.
 - (vii) A member of an Sub-branch shall cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under paragraph (iv) of this sub-rule in accordance with the directions to voters (if any) and forwarding the ballot paper to the Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
 - (vii) A vote cast in the ballot shall be informal if the intention of the voter is not clear.
 - (ix) On completion of the counting of ballot papers returned in a plebiscite the Returning Officer shall declare the result of the plebiscite by advising the Secretary of the Union in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.
- (c) Provided that nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

7 Sub-branch Chairperson

- (a) The Sub-branch Chairperson shall be the chief presiding officer of the Sub-branch
- (b) The Sub-branch Chairperson shall preside at all meetings of the Sub-branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
- (c) The Sub-branch Chairperson shall be impartial in all transactions and shall ensure that the rules of the Union are adhered to.
- (d) Leave of absence may be granted by the Sub-branch Committee to the Sub-branch Chairperson for any purpose and for any period of time and the Sub-branch Chairperson shall, when granted a leave of absence, be deemed to be absent for the purpose of this rule.
- (e) Leave of absence may be granted by the Sub-branch Committee to the Sub-branch Chairperson for any purpose and for any period of time and the Sub-branch Chairperson shall, when granted a leave of absence, be deemed to be absent for the purpose of this rule.
- (f) The Deputy Chairperson shall act in the absence of the Sub-branch Chairperson as the Sub-branch Chairperson, and such member shall so act with the powers of the Sub-branch Chairperson.

8 Secretary

The Secretary of the Union shall be responsible to the Sub-branch Committee for the conduct and management of the affairs of the Sub-branch, on a day to day basis, and shall take advice from the Sub-branch Chairperson as to the course to be pursued in any matter pending the next meeting of the Sub-branch Committee.

9 Sub-branch Auditor

- (a) The Sub-branch Auditor shall be the Auditor as appointed by the Union from time to time.
- (b) The Sub-branch Auditor shall audit the books and financial statements of the Sub-branch at the end of each financial year and at such other times as the Sub-branch Committee shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Sub-branch and may examine any office-bearers or officer of the Sub-branch Committee in regard to the accounts, and is hereby authorised to obtain from any bank in which the

Sub-branch funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.

- (c) The Sub-branch Auditor shall furnish a written statement that all documents and statements certified to are in accordance with law and the rules of the Union, or, if unable to certify to the correctness of any of them, report forthwith to the Sub-branch Committee in what respect they are incorrect.
- (d) The Sub-branch Auditor shall have power to place before the Sub-branch Committee any suggestions concerning the financial affairs of the Sub-branch.
- (e) In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the Sub-branch Committee shall inform the Secretary of the Union who shall ensure that the Executive of the Union at its next meeting appoints an Auditor, qualified as provided for by these rules, as a replacement.

10 Returning Officer

The Sub-branch Returning Officer shall be the Returning Officer as appointed by the Union from time to time.

11 Standing Orders

The Sub-branch Committee shall, with the necessary changes being made, adopt the Standing Orders as provided for in the rules of the Union.

13 Rules of Debate

The Sub-branch Committee shall, with the necessary changes being made, adopt the Rules of Debate as provided for in the rules of the Union.

Rules of a *State Industrial Organisation*
registered under the *Industrial Relations Act 1996*

**New South Wales Local Government, Clerical, Administrative,
Energy, Airlines & Utilities Union**

as at 3 November 2010

CONTENTS

1.	NAME OF UNION.....	3
2.	DEFINITIONS AND INTERPRETATION.....	3
3.	MEMBERSHIP RIGHTS	4
4.	CONSTITUTION OF UNION	4
5.	OBJECTS OF UNION.....	5
6.	REGISTERED OFFICE OF UNION	7
7.	REGISTERED OFFICER OF THE UNION	7
8.	BRANCHES OF UNION	7
9.	STRUCTURE	8
10.	PROPERTY AND FUNDS OF UNION	8
11.	AUDIT OF UNION FUNDS	9
12.	UNION SEAL.....	10
13.	ADMISSION TO MEMBERSHIP	10
14.	LIFE MEMBERSHIP	11
15.	UNION REGISTER OF MEMBERS	12
16.	CHANGE OF ADDRESS	12
17.	PURGING OF THE REGISTER.....	12
18.	SUBSCRIPTIONS	12
19.	UNFINANCIAL MEMBERS	13
20.	RESIGNATION.....	14
21.	MEMBER CEASING TO WORK IN INDUSTRY	15
22.	OFFENCES AND PENALTIES	15
23.	CONFERENCE.....	17
24.	ANNUAL GENERAL MEETING OF THE UNION.....	19
25.	ELECTION.....	20
26.	ELECTION FOR OFFICE PURSUANT TO SECTION 239 OF INDUSTRIALRELATIONS ACT 1996 (NSW).....	21
27.	RETURNING OFFICER.....	22
28.	ELIGIBILITY OF CANDIDATES.....	23
29.	NOMINATION OF CANDIDATES	23
30.	PROCEDURE AT ELECTIONS	24
31.	ASSUMPTION AND TENURE OF OFFICE	30
32.	CASUAL VACANCIES.....	31
33.	EXECUTIVE	32
34.	DELETED	33
35.	UNION PRESIDENT.....	33
36.	DELETED.....	34
37.	UNION VICE-PRESIDENT	34

37A. UNION FIRST JUNIOR VICE-PRESIDENT	34
37B. UNION SECOND JUNIOR VICE-PRESIDENT	35
38. GENERAL SECRETARY	35
39. DELETED	36
40. UNION TREASURER	36
41. ORDER OF BUSINESS AND STANDING ORDERS	37
42. EMPLOYEES OF THE UNION	39
43. VACATION OF OFFICE	39
44. SUSPENSION AND REMOVAL FROM OFFICE	40
45. SPECIAL CONFERENCE	41
46. MEMBERS' PICNIC	42
47. APPEALS	42
48. POWER TO IMPOSE LEVY	43
49. POWER TO MAKE A LOAN, GRANT OR DONATION	43
50. ADEQUACY OF NOTICE	43
51. ILLEGAL STRIKE	43
52. RIGHT OF ENTRY	44
53. ABSORPTION	44
54. AFFILIATION	44
55. AMALGAMATION	44
56. BY LAWS	44
57. INSPECTION OF BOOKS	45
58. COPY OF RULES	45
59. ALTERATION OF RULES	45
60. DISSOLUTION OF UNION	45
61. NAME OF BRANCH	46
62. FUNDS OF BRANCH	46
63. AUDIT OF BRANCH FUNDS	47
64. BRANCH REGISTER OF MEMBERS	48
65. CHANGE OF MEMBER'S ADDRESS	48
66. BRANCH COMMITTEE OF MANAGEMENT	48
67. BRANCH PRESIDENT	48
68. BRANCH VICE-PRESIDENT	48
69. BRANCH SECRETARY	49
70. BRANCH TREASURER	49
71. SUSPENSION AND REMOVAL FROM COMMITTEE OF MANAGEMENT ..	50
72. GENERAL MEETINGS OF BRANCH	51
73. BRANCH COMMITTEE OF MANAGEMENT	52
74. ANNUAL RETURNS OF BRANCH	52
75. BRANCH AFFILIATION	52
76. BRANCH BY-LAWS	53
77. INSPECTION OF BRANCH BOOKS	53
78. DELETED	53
End of Rules	53

1. NAME OF UNION

The name of the Union shall be New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union trading as the "United Services Union."

2. DEFINITIONS AND INTERPRETATION

In these Rules, unless there be something in the subject or context inconsistent therewith, the following words and expressions shall have the several meanings hereby assigned to them, that is to say:

"**Branch**" means Branch of the Union.

"**Branch Secretary**" means Honorary Secretary of a Branch.

"**Committee of Management**" means Committee of Management of a Branch.

"**Conference**" means the supreme government of the Union.

"**Executive**" means Executive of the Union.

"**Casual vacancy**" means vacancy occurring in any office, after an election and before the expiration of the period for which the person who has last vacated the office, in any manner whatsoever, was elected.

"**Financial year**" means the calendar year 1st day of January to 31st day of December next following.

"**General Secretary**" means Secretary of the Union.

"**Industry**" means the industry specified by Rule 4 of these Rules.

"**Life member**" means member upon whom life membership of the Union has been conferred pursuant to these Rules

"**Member - full time**" means member of the Union employed in the industry on a full time basis.

"**Member - junior**" means member of the Union less than eighteen (18) years of age.

"**Member - permanent part time**", means member of the Union employed in the industry on the basis of a regular number of hours which are less than the full time ordinary hours of the position in which they are employed.

"**Member - casual**" means member employed in the industry on a day -to- day basis.

"**Membership**" means membership of the Union.

"**Subscription**" means Annual Subscription calculated on a fifty-two week period.

"**These Rules**" means the Rules of the Union as they exist from time to time.

"Union" means New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union.

Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number. Words importing the masculine gender only shall include the feminine gender

3. MEMBERSHIP RIGHTS

It shall be a term of membership in the Union that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not reduce any rights under Federal or State Legislation.

4. CONSTITUTION OF UNION

- (1) The Union shall consist of an unlimited number of persons who are -
- (a) bona fide employees of -
 - (i) Municipal, Shire and County Councils;
 - (ii) any contractor to any such Council;
 - (iii) any body, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
 - (iv) any body, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
 - (v) any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of this Union or eligible to become members thereof;

- (b) employees of Waste Planning and Management Boards and the successors;
- (c) employees of Australian Health Management Group Pty Ltd and their successors;
- (d) persons upon whom life membership of the Union has been conferred in accordance with these Rules;
- (e) persons who while being members of the Union, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:

- (f) persons, whether employed in the industry or not, who have been elected or appointed officers of the Union, and who have been admitted as members of the Union.
- (2) The Union shall consist of all persons, male and female, engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

5. OBJECTS OF UNION

The objects of the Union are, by all lawful means:

- (1) To protect and improve to the fullest possible extent the interest of members and in particular, and without limiting the ordinary meaning of those words -
 - (a) to obtain and maintain fair wages, hours of work and other conditions of employment of members, either by award, industrial agreement or other lawful means;
 - (b) to protect the interests of the industry;
 - (c) to promote industrial peace by all means of conciliation and arbitration;
 - (d) to prevent lockouts and strikes between employers and members;
 - (e) to secure redress for any grievances to which members or any of them may become subject; and
 - (f) to secure preference of employment for members.
- (2) To render legal assistance to members to enable them to enforce their rights under any law relating to industrial arbitration or to compensation for illness or injuries.
- (3) To relieve financial distress of members or near relatives of deceased members in cases of need, and for that purpose to establish a Contingent Fund.
- (4) To provide funds for the conduct of legal and other proceedings -
 - (a) to enforce payment of subscriptions, fines and levies payable or believed to be payable to the Union;
 - (b) to obtain awards and industrial or other agreements, and the variation, extension or termination thereof;

- (c) to resist any action taken or about to be taken by any employer or by any organisation or association or by any trade or industrial or other union which may be prejudicial to the interests of the Union and its members;
- (d) to attain otherwise any of the objects of the Union.
- (5) To acquire, either as freehold or leasehold or otherwise real estate for the use of the Union.
- (6) To invest funds in securities and projects authorised by law.
- (7) To establish or publish a newspaper, magazine, journal or other publication for the furnishing of information concerning the Union and matters of interest generally to members.
- (8) To promote or assist financially or otherwise in the promotion and/or publication of a newspaper, magazine, journal or other publication having for its policy the promotion of the cause of Labor.
- (9) To assist in any deserving cause of hardship respecting a member or members of another industrial union which cause is officially endorsed by such other union, if that union concedes reciprocal rights and privileges to members of the Union.
- (10) To further political objects, to establish, maintain and/or support any body, corporation or association concerned with the industrial, economic, social, legal and political matters affecting members and/or the trade union movement generally.
- (11) To absorb into membership the members of an organisation, association or union, whether registered or not, provided such members are qualified according to these Rules.
- (12) To affiliate with a body established for the protection and promotion of the cause of Labor.
- (13) To amalgamate from time to time with another registered trade or industrial union.
- (14) To act as agent for and on behalf of members or non-members consistent with these objects and the Rules and in the interest of members and to do all things necessary and incidental thereto.
- (15) To undertake and do such acts, matters and things as may be necessary, incidental or conducive to the attainment of the objects of the Union or any of them.
- (16) To make donations to bona fide charitable purposes.
- (17) To create and promote equality of opportunity in employment and promotion within employment.
- (18) To formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business or profession for the provision to the members of the Union of any special benefits, privileges and advantages and in particular in relation to goods and services.

- (19) To invest funds.
- (20) To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise in the bona fide labour or trade union organisation or association or representative body or peak council which promotes or protects the causes of Labor.
- (21) To provide pecuniary legal and other assistance for securing and protecting the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of that object (including this object) or any one of them of the Union.
- (22) To create and/or alter or dissolve, Divisions, Branches and/or Sub-Bran­ches or Sectors of the Union.

6. REGISTERED OFFICE OF UNION

- (1) The registered office of the Union is situated at Level 7 321 Pitt Street Sydney NSW 2000.
- (2) Notice of any change of address of the registered office shall be given immediately to the Industrial Registrar.

7. REGISTERED OFFICER OF THE UNION

- (1) The General Secretary shall be the registered Officer of the Union and shall have power to sue on behalf of the Union for all subscriptions, levies and fines due and owing to the Union, and in all matters in which the Union may institute proceedings in law or in equity, either pursuant to these Rules or otherwise.
- (2) For the purposes of sub-rule (1) hereof the General Secretary is hereby invested with all powers and authorities necessary or convenient in that regard.

8. BRANCHES OF UNION

- (1) The Union shall consist of such Branches, the establishment of which is confirmed by these Rules, together with such other Branch or Branches as the Executive may establish from time to time.
- (2) The Executive may, subject to the act and appropriate amendments to these rules, constitute from time to time such other Branch or Branches of the Union as it deems fit. Action under this sub-rule may be taken by the Executive on its own motion or upon petition to the Executive by not less than twenty financial members.
- (3) The Executive may, subject to the act and appropriate amendments to these rules, alter from time to time any former establishment of a Branch or the name thereof, and it may dissolve a Branch at the expiration of the term of the office of the office holders within the Branch and give such directions with regard to funds and other property of the Union then in the hands of the Branch to be dissolved as it deems fit.
- (4) A Branch shall be bound by these Rules as they provide from time to time.

- (5) The Executive shall allocate the members of the Union to Branches and shall be the final arbiter of which Branch a member is allocated and/or to which Branch the member may be reallocated. Such allocation of a member or reallocation of a member shall be at the sole discretion of the Executive and may occur at any time. Provided that where a member requests a transfer from one Branch to another Branch the Executive will notify the Branch that the member is transferring from two months prior to the reallocation of the member by the Executive.

9. STRUCTURE

- (1) DELETED
- (2) Members of the Union shall be allocated to one of the Branches in accordance with Rule 8 that appear in the schedule.

SCHEDULE

List of Branches established pursuant to Rule 8.

Central West Branch
Energy & Utilities Branch
Metropolitan salaried Officers' Branch
Murray Branch
Newcastle Branch
New England Branch
Northern Branch
North Western Branch
Riverina Branch
Southern Branch
Sydney Branch
Sydney Clerical and Administrative Branch
Airlines Branch
Hunter Clerical and Administrative Branch
Illawarra Clerical and Administrative Branch

10. PROPERTY AND FUNDS OF UNION

- (1) All property, real or personal, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the Executive, save as provided herein and elsewhere in these Rules.
- (2) All income from subscriptions, fines, levies, dividends, interest, rent or other income, however derived, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the Executive, save as provided herein and elsewhere in these Rules. The Executive may from time to time, direct a Branch to forward such monies as it may determine.

- (3) The Funds of the Union may only be expended for the furtherance of the objects of the Union.
- (4) The fund shall consist of all real or personal property, all assets, all income from subscriptions, fines, levies, dividends, interest, rent or other income, however derived, and shall be under the control, custody and administration and management in all respects of the Executive.
- (5) Funds of the Union shall be banked with any registered financial institution approved by the Executive in the name of the Union in such one or more accounts as the Executive may from time to time determine.
- (6) All cheques drawn upon any bank account of the Union shall be signed by the Union Treasurer and by the Union President and the General Secretary. Provided that in the case of absence of any of such person or of their inability to sign cheques, the Executive may appoint other persons to sign in place of the absent or unable person either generally or in any particular case.
- (7) Notwithstanding anything else contained in these Rules, in recognition of the fact that the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, a Branch of an organisation registered under the Workplace Relations Act 1996, carries on certain representative functions in relation to the affairs of members of the Union under the provisions of the aforesaid Act, the Executive of the Union may, from time to time, grant financial subsidies on a per capita basis to the aforesaid Branch of the Federal organisation.

11. AUDIT OF UNION FUNDS

- (1) An Auditor, who is a Registered Company Auditor and who is not a member of the Union, shall be appointed by the Executive annually, and at such other time as becomes necessary.
- (2) Immediately prior to Conference, and at such other time or times as the Executive directs, the Auditor shall -
 - (a) investigate the books and other documents of the Union appertaining to finance, and audit the accounts of the Union; and
 - (b) furnish to the Executive a report and balance sheet of the Union's finances, certifying to the correctness of such report.
- (3) An auditor shall be deemed to have vacated this position -
 - (a) upon death;
 - (b) upon becoming of unsound mind; or
 - (c) the services provided by the Auditor being of an unprofessional standard; or
 - (d) the Auditor charging excessive costs for the services provided in the opinion of the Executive: or

- (e) upon receipt by the Executive of a written notice of resignation signed by the Auditor;

and the Executive may terminate the services of the Auditor at any time, if satisfied that any of the above grounds are met.

12. UNION SEAL

- (1) The Union shall have a seal which shall be of such design as the Executive may determine, and which shall bear the name of the Union.
- (2) The seal shall remain in the custody of the General Secretary.
- (3) The seal is only to be affixed to a document:-
 - (a) in the presence of at least two members of the Executive of the Union; and
 - (b) with the attestation by the signatures of those members of the fact of the affixing of the seal.

13. ADMISSION TO MEMBERSHIP

- (1) An application for admission shall
 - (a) make an application in writing to the General Secretary that includes the applicant's residential address and the name of their employer; or
 - (b) make an application by telephone that includes advise to the Branch of the applicant's residential address and the name of their employer; or
 - (c) make an application by electronic means that include advice to the Branch of the applicant's residential address and the name of their employer.
- (2)
 - (a) The application shall be considered by the General Secretary when received, and unless referred by the General Secretary to the next meeting of the Executive, the applicant shall be and be deemed to be a member of the organisation from the date of receipt of the application by the General Secretary.
 - (b) An application for membership referred by the General Secretary to the Executive shall be considered by the Executive which may accept or reject the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph (2)(a) herein.
- (3) The General Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (4) An applicant whose application for membership has been rejected may appeal to Conference, whose decision shall be final.

- (5) The General Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the General Secretary shall keep or cause to be kept a record of the application.
- (6) The General Secretary shall inform applicants for membership, in writing, of:
- (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Union.
- (7) Associate Membership
- (a) Any member of the Union who ceases to be eligible for membership, may upon application to the General Secretary, become an Associate Member.
 - (b) An Associate Member shall pay such subscription as specified in Rule 18.
 - (c) An Associate Member shall not be entitled to vote in any election or ballot conducted within the Union, or to nominate any persons to hold any office within the Union, or to hold any office within the Union, but shall otherwise receive such benefits of membership of the Union as may be determined from time to time by Conference and the Executive.
 - (d) An Associate Member who becomes eligible for membership of the Union shall not be entitled to remain an Associate Member and shall revert to the status of full membership.
 - (e) An Associate Member may resign membership of the Union in accordance with Rule 20.

14. LIFE MEMBERSHIP

- (1) (a) Conference may confer life Membership of the Union on a financial member who has retired from the industry having not less than twenty five years continuous membership of the Union and has had long years of active and faithful service to the Union.
- (b) The Executive may lower the number of years from twenty five years in cases where the member because of joining the Union at a later age cannot obtain the full twenty five years on retirement but has otherwise met the criteria as required.
- (2) (a) Nominations for Life Membership or other Awards must come from the Executive or Branch Committees of Management.
- (b) The Executive shall check all nominations to see that they comply with (1) above.
- (3) (a) A life member shall be obliged to pay all monies due and owing to the Union up to the date of retirement, but thereafter shall not be obliged to pay to the Union any subscription or levy.

- (b) A life member shall not be eligible to stand for Office nor vote in elections.
- (4) The Executive may recommend to Conference, nominees for certificates, or medals or other awards, which recognise distinguished or meritorious service to the Union, upon the criteria determined by the Executive, Members who receive such awards shall not be exempt from any payments, contributions or levies due to the Union from time to time until they retire or resign their membership in accordance with Rule 20.
- (5) Conference may revoke Life Membership or other Awards conferred on a member provided that such removal is proposed by notice of motion at least three months prior to the meeting of Conference at which the issue is to be determined, and not less than three quarters of the delegates vote in favour.

15. UNION REGISTER OF MEMBERS

A register of the members of the Union showing the name residential or postal address Branch and financial status of each member and a list of the names, residential or postal address and occupations of the Officers of the Union, as far as they are known, shall be kept at the office of the Union.

16. CHANGE OF ADDRESS

Any member changing their place of employment or residence or terminating employment shall report in writing the new place of employment or residence or that termination to the General Secretary within fourteen days of effecting such change.

17. PURGING OF THE REGISTER

- (a) The General Secretary shall from time to time as directed by the Executive strike off the register of Members the names of all members who satisfy the following criteria:
 - (i) All members owing subscriptions, fines or levies for a period of fifty two weeks or more, provided that members so struck off shall not be free from liability for arrears due;
 - (ii) Any or all members who have ceased to be eligible for membership under Rule 4 of these Rules.
- (b) The General Secretary shall give a member fourteen days notice in writing to the members last address shown on the Register of Members of the intention to strike the name off the Register.

18. SUBSCRIPTIONS

- (1) (a) Each member shall pay a subscription weekly, equivalent to 1.073 percent of the weekly wage prescribed by the Local Government (State) Award on 1 January in each year at Operational Band 1 Level 3 Entry Level which shall be paid into a fund to be known as a General Fund.

Provided that members in receipt of 75% or less of that weekly wage shall pay 75% of the subscription rate, or members in receipt 50% or less of that weekly wage shall pay 50% of the subscription rate, or members in receipt of 25% or less of that weekly wage shall pay 25% of the subscription rate.

- (b) Payments from the General Fund shall be for the furtherance of the objects of the Union and in the expenses of management.
- (c) Subscriptions may be paid annually, in which case the due date shall be the first day of January in each year, or quarterly, in which case the due dates shall be the first days of January, April, July and October in each year. A member whose membership commences during the currency of any quarter shall be liable in respect of such quarter only on a pro rata basis and shall thereafter be liable in accordance with the foregoing provisions of this sub rule.
- (d) Subscriptions may be paid by instalments by arrangement with the Council or Authority or Employer employing the member and where the member has signed an authority for the deduction from their salary or wage. Provided that any instalment not deducted or otherwise outstanding, at any time, shall continue to be due and payable in accordance with these Rules.
- (e) Subscriptions may be paid by instalments by direct debit from a member's account at a financial institution. Such instalments may be paid weekly, fortnightly or any other instalment period agreed by the Executive.

The Executive shall consider from time to time a rebate or reduction in their annual subscription rate for those member's who pay their subscriptions by direct debit.

- (f) Any increase in excess of the award increase as set out in sub rule 18(1)(a) which is in excess of the award increase, can only be approved by a decision of the full Conference.

(2) DELETED.

(3) National Airlines Divisional Council

For members employed in, or in connection with Airlines employers, shall pay an extra \$8.80 pa in accordance with ASU National Resolution of 21 March 1996. This amount includes the GST.

- (4) The Executive may, in special circumstances, waive subscriptions and/or arrears of subscriptions. Executive may delegate this power to the General Secretary provided that the General Secretary shall report all waivers to the Executive.
- (5) Associate Members shall pay an amount equal to twenty percent of the full-time adult subscription.

19. UNFINANCIAL MEMBERS

- (1) A member shall be unfinancial, if they owe to the Union:

- (a) Any subscription for a longer period than the end of the first two calendar months after the date such subscription become due: Provided however that a member shall not be unfinancial whose subscription for a current year is being deducted by instalments from the members income or from the member's account at a financial institution, and provided that the relevant authorities signed by the member remain in force, and provided further that all subscriptions owing by the member for the year ending the preceding thirty-first December shall have been fully paid; or
- (b) Any levy for a longer period than three calendar months after the last day on which such levy may be paid; or
- (c) Any fine for a longer period than three calendar months after:
 - (i) the date of dismissal of an appeal instituted in accordance with Rule 47 of these Rules; or
 - (ii) the last day on which an appeal may be instituted in accordance with the said Rule 47 if no such appeal be instituted;

and while they so remain unfinancial shall be excluded from all the rights and privileges but not the obligations of membership, and they may be sued for the money owed.

20. RESIGNATION

- (1) A member may resign membership of the Union by written notice delivered or sent to the registered address of the Union.
- (2) A Notice of resignation takes effect:
 - (a) where the member ceases to be eligible for membership of the Union:
 - (i) on the day on which the notice is received; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member:

whichever is the later; or

 - (b) in any other case:
 - (i) at the end of two weeks after the notice is received; or
 - (ii) on the day specified in the notice; whichever is the later.
- (3) Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Union under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union, subject to the Industrial Relations Act, 1996 or any Act amending the same.

21. MEMBER CEASING TO WORK IN INDUSTRY

- (1) (a) Notwithstanding anything contained elsewhere in these Rules, a member who ceases to work in an industry or occupation within the scope of Rule 4 for a period of three months and at the expiration thereupon shall cease to be a member of the Union. A member employed by this Union shall be accepted as a member of the Union. The member shall be liable to pay immediately subscriptions, levies and fines due and owing by the member to the Union, and in default of payment may be sued therefore.
- (b) Notwithstanding anything contained elsewhere in these Rules, the General Secretary may issue to a member who has ceased to work in an industry or occupation within the scope of Rule 4 and who does not owe any money to the Union a "clearance card" if requested so to do by such member, and upon the issue of such "clearance card" and unless membership of the Union has been terminated earlier, the person concerned shall cease to be a member of the Union.
- (c) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in an industry or occupation within the scope of Rule 4, and such member does not owe money to the Union, the Executive may declare that such member has left the industry, and thereupon such person shall cease to be a member of the Union, and the member shall be entitled to have issued to the member by the General Secretary a "clearance card".
- (d) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in an industry or occupation, and such member owes money to the Union, the Executive may declare that such member has left the industry, and thereupon such person shall cease to be a member of the Union and shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Union, and in default of payment may be sued therefore.
- (e) For the purposes of this Rule an employee of the Union shall not be deemed to have ceased to work in an industry or occupation within the scope of Rule 4, and shall not be declared to have left the industry.
- (2) DELETED

22. OFFENCES AND PENALTIES

- (1) Any member may charge any other member with:
- (a) contravening or failing to observe any of these Rules for breach of which no penalty is prescribed by the Particular Rule; or
- (b) knowingly contravening or failing to observe any lawful direction or resolution of any Council or body constituted by or pursuant to these Rules; or
- (c) knowingly contravening or failing to observe any lawful and reasonable direction given by any Officer of the Union or any Branch thereof; or

- (d) any dereliction of any duty imposed on a member by these Rules; or
 - (e) misappropriation or misapplication of any of the funds or property of the Union; or
 - (f) divulging the Union's correspondence or business to persons not entitled to know the same; or
 - (g) making false statements or giving false information in relation to the affairs of the Union or any Branch thereof; or
 - (h) wilfully misrepresenting the affairs of the Union or any Branch thereof; or
 - (i) conniving at any of the foregoing offences being committed by any other person.
- (2) Action under sub-rule (1) hereof shall be commenced by a complaint in writing signed by the complainant and lodged with the Secretary of the Branch to which the member complained against is attached and such complaint shall specify the matter or matters charged.
- (3) The Branch Secretary shall summon a member charged before the Committee of Management of the Branch and such member shall receive from the Branch Secretary at least fourteen days before the meeting of the Committee of Management of the Branch notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and be heard.
- (4) If the Committee of Management finds such a member guilty it may do one or more of the following:
- (a) impose no penalty;
 - (b) impose a censure:
 - (c) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified event or until the performance of any specified act. Suspension from membership shall deprive a member of benefits of membership but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension the suspension shall then lapse;
 - (d) recommend to Conference or the Executive to expel the member from the Union.

PROVIDED THAT action shall not be taken to expel the member from the Union except on complaint commenced by either -

- (i) the Branch Committee of Management on its own motion; or

- (ii) by a member in writing signed by the complainant lodged with the Secretary of the Branch to which the member complained against is attached specifying the matter or matters charged and requesting that the member charged is expelled.

PROVIDED FURTHER that where a complaint is commenced by the Committee of Management of a Branch an its own motion the matter or matters the subject of such complaint shall be determined by a meeting of the Branch and the provisions of sub rules (3) and (4) hereof shall apply to such complaint and determination.

- (5) Within seven days next after the event a Branch Secretary shall notify in writing the General Secretary of the particulars of any suspension, fine or expulsion imposed by the Branch or the Committee of Management thereof, pursuant to this Rule.

23. CONFERENCE

- (1) The supreme government of the Union shall be vested in Conference.
- (2) (a) Conference shall consist of the Executive and of delegates from the Branches of the Union.
 - (b) The Chairperson shall have a casting vote, only.
 - (c) (i) The number of delegates from each Branch shall be determined as follows, namely, each Branch shall be entitled to two delegates for up to the first two hundred and fifty members, then an additional two delegates for the next two hundred and fifty members or part thereof not less than fifty members after the first two hundred and fifty members. Thereafter each Branch shall be entitled to one additional delegate for each one hundred or part thereof not less than fifty members after the first five hundred members, up to a maximum of nine delegates for one thousand members: Provided that Branches with an excess of one thousand members, shall be entitled to one additional delegate for each additional five hundred members or part thereof not less than fifty members, up to a maximum of fifteen delegates for four thousand members: Provided that Branches shall be entitled to a further two delegates for each additional thousand members or part thereof not less than two hundred and fifty members, in excess of the four thousand, up to a maximum of twenty-one delegates for seven thousand members.

Membership Numbers	Number of Delegates
0 - 300	2
301 - 550	4
551 - 649	5
650 - 749	6

750 - 849	7
850 - 949	8
950 - 1049	9
1050 - 1549	10
1550 - 2049	11
2050 - 2549	12
2550 - 3049	13
3050 - 3549	14
3550 - 4249	15
4250 - 4749	16
4750 - 5249	17
5250 - 5749	18
5750 - 6249	19
6250 - 6749	20
6750 - 7000	21

- (ii) In addition to the Conference delegates from each branch outlined in sub rule 23(2)(c)(i), the New Generation Committee Members of up to 18 members are entitled to attend Conference as an addition to the Branch Conference Delegates noted in sub rule 23(2)(c)(i).
- (3) (a) In addition to powers elsewhere conferred on it by these Rules, Conference shall have the general management and control of the affairs of the Union, and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Executive or on a meeting of a Branch or on the Committee of Management of a Branch, and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the objects of the Union.
- (b) Conference may exercise any power conferred on it by these Rules notwithstanding that the Executive or a meeting of a Branch or the Committee of Management of a Branch has exercised a like power in the same manner, and where a decision of Conference is inconsistent with a decision of the Executive or a meeting of a Branch or the Committee of Management of a Branch the decision of Conference shall prevail.
- (4) Commencing in 2001, Conference shall be held biennially at such time and place as Conference shall determine.

- (5) Not less than one month immediately prior to the date specified for a meeting of Conference a Branch Secretary shall notify the General Secretary on a "Delegate's Credential" form supplied by the General Secretary of the full names of the delegates from the Branch to Conference.
- (6) At a meeting of Conference a quorum shall consist of a majority of Executive members and half the number of delegates notified to the General Secretary pursuant to sub-rule (2) hereof, and in the absence of a quorum at any time Conference shall not proceed, until a quorum is present.
- (7) Each Branch shall bear and pay the travelling and other expenses of its delegates to Conference.
- (8) In the event of the Union President, the Union Vice-President, the Union First Junior Vice-President and the Union Second Junior Vice-President being absent from a meeting of Conference, then the delegates present shall elect a Chairperson of the meeting.
- (9)
 - (i) In alternating years between biennial Conferences, there shall be a meeting of Conference in Council Session.
 - (ii) The time and place of the meeting of Conference in Council Session shall be fixed by Executive.
 - (iii) Conference in Council Session shall consist of the Executive and the President and Secretaries of each Branch. The Branch may appoint an eligible member of the Committee of Management to represent the Branch in the absence of the President or Secretary of the Branch, such eligible representative shall retain the voting rights expressed in sub-clause (9) (iv) of these rules.
 - (iv) Each member of the Executive shall be entitled to exercise one vote and the President and Secretary of each Branch shall each be entitled to exercise one half of the number of votes corresponding to the number of Conference delegates to which the Branch is entitled in accordance with sub-rule 23(2)(c).
 - (v) Conference in Council Session shall have all of the powers vested in Conference by these Rules.
 - (vi) A quorum for Conference in Council Session shall consist of a majority of Executive members and such number of Branch Presidents and Secretaries whose voting entitlement constitutes a majority of the total number of Conference delegates determined in accordance with sub-rule 23(2)(c).

24. ANNUAL GENERAL MEETING OF THE UNION

- (1) The Annual General Meeting of the Union shall be held immediately prior to Conference, or Conference in Council Session, as the case may be.

- (2) The General Secretary shall, at least twenty-eight days prior to each Annual General Meeting, by Notice publicise the date, time and place of the forthcoming Annual General Meeting.
- (3) At the Annual General Meeting a quorum shall be one hundred and in the event of a quorum not being present within thirty minutes next after the appointed time for the meeting the meeting shall lapse.
- (4) In the event of the Union President, the Union Vice-President, the Union First Junior Vice-President and the Union Second Junior Vice-President being absent from the meeting, then the members present shall elect a Chairperson of the meeting.

25. ELECTION

- (1) Commencing in 2003 for a term of office for four years and each four years thereafter, elections shall be held for the purpose of electing the following:-
 - (a)
 - (i) Union President;
 - (ii) DELETED
 - (iii) Union Vice-President;
 - (iv) General Secretary;
 - (v) DELETED
 - (vi) Union Treasurer;
 - (vii) Committee Members of the Executive;
 - (viii) DELETED
 - (ix) Branch Committee of Management Members.
 - (b) DELETED
 - (c) Each Branch shall elect one Committee member of the Executive who shall be elected by and from eligible members allocated to the Branch, provided that the Metropolitan Salaried Officers' Branch, the Sydney Branch and Sydney Clerical and Administrative Branch shall each elect one additional Committee member of the Executive.
 - (d) At the first meeting of each Branch Committee of Management following the quadrennial elections, a collegiate election shall be held for the offices of:
 - (i) Branch President;
 - (ii) Branch Vice-President;
 - (iii) Branch Secretary;
 - (iv) Branch Treasurer;

- (v) Branch Delegates to Conference;
- (vi) Branch Alternate Delegates to Conference.
- (e) Notwithstanding anything in this Rule, at the first meeting of the Executive following the 2011 elections and each four years thereafter, a collegiate election shall be held for the offices of:
 - (i) Union First Junior Vice-President;
 - (ii) Union Second Junior Vice-President;

who shall be elected by financial members of the Executive and from financial Committee members of the Executive.

26. ELECTION FOR OFFICE PURSUANT TO SECTION 239 OF INDUSTRIAL RELATIONS ACT 1996 (NSW).

- (1) (a) Subject to sub-rule (2) hereof persons elected to the offices specified in Column A of the schedule appearing in sub-rule (3) hereof in the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Municipal, Administrative, Clerical and Services Union, an organisation registered pursuant to the Fair Work (Registered Organisations) Act 2009 (Cth) (hereinafter 'the State Branch') shall be validly elected to the corresponding offices specified in Column B to the schedule in sub-rule (3) hereof in the Union (and Branches thereof) for the term of office of the Officers specified in Column A of the schedule in sub-rule (3) hereof.
- (b) This rule shall apply to the filling of casual vacancies by election or appointment.
- (2) This Rule shall apply where:
 - (a) the membership of the State Branch and the Union (and Branches thereof) are identical or substantially similar, and
 - (b) the Rules of the State Branch relating to the election of the holders of offices comply substantially with the requirements relating to the election of holders of offices under the Industrial Relations Act 1996 (NSW).
- (3) The schedule of corresponding offices specified in sub-rule (1) hereof is as follows:

A (The State Branch)	B (The Union)
Branch President	Union President
Branch Vice-President	Union Vice-President
Branch First Junior Vice-President	Union First Junior Vice-President
Branch Second Junior Vice-President	Union Second Junior Vice-President
Branch Secretary	General Secretary
Branch Treasurer	Union Treasurer
Committee Member of the Branch Executive	Executive Committee Members



Sub-Branch President	Branch President
Sub-Branch Vice-President	Branch Vice-President
Sub-Branch Secretary	Branch Secretary
Sub-Branch Treasurer	Branch Treasurer
Sub-Branch Committee of Management	Branch Committee of Management
Sub-Branch Delegates to Conference	Branch Delegates to Conference
Sub-Branch Alternate Delegates to Conference	Branch Alternate Delegates to Conference

- (4) This Rule shall apply notwithstanding any other Rule.
- (5) Two (2) months, prior to an election, to be held in accordance with this Rule, the General Secretary shall lodge with the Industrial Registrar, a Statutory Declaration that provides the following information:
- (a) evidence of identical or substantially similar membership of the State Branch and the Union;
 - (b) evidence that the Union and the Federal Rules are substantially the same in relation to the Election Rule;

The General Secretary shall also provide a copy of the Rules registered pursuant to the Fair Work (Registered Organisations) Act 2009 (Cth).

- (6) In the event that this rule is not able to be applied, the election required to be held in accordance to Rule 25 shall be conducted in accordance with these rules.

27. RETURNING OFFICER

- (1) A Returning Officer shall be appointed by Conference, at each meeting of Conference.
- (2) The Returning Officer shall be responsible for the conduct of all elections, except where any election must be conducted by the Industrial Registrar as prescribed by the Industrial Relations Act, 1996.
- (3) The Returning Officer shall not be the holder of any office in the Union or Branch Committee of Management nor be an employee of the Union.
- (4) (a) The Returning Officer shall hold office until the members successor is appointed:
- (b) A Returning Officer shall be deemed to have vacated their position:
- (i) upon death: or
 - (ii) upon becoming of unsound mind; or
 - (iii) upon receipt by the Executive of notice in writing of resignation signed by the member; or
 - (iv) upon ceasing to be a member of the Union (if the member was a member at the date of the members appointment); or



- (v) upon becoming an unfinancial member (if the member was a member at the date of the members appointment);

and the Executive may terminate the services of a Returning Officer at any time.

- (5) (a) Two Assistant Returning Officers to assist the Returning Officer in the members duties shall be appointed by Conference at each meeting of Conference and one of such Assistant Returning Officers shall be a member of the Union attached to Sydney Branch or the Sydney C&A Branch, and one of such Assistant Returning Officers shall be a member of the Union attached to another Branch.
- (b) An extraordinary vacancy occurring in the office of Assistant Returning Officer shall be filled by an appointment thereto by the Executive.

28. ELIGIBILITY OF CANDIDATES

- (1) Only members of the Union who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any office within the Union.
- (2) In addition to the qualifications set out in (1) hereof, only members attached to the Branch may be nominated for election to any of the Branch offices.
- (3) In addition to the qualifications set out in (1) hereof, only Committee members of the Executive may be nominated for election to the offices of Union First Junior Vice- President and Union Second Junior Vice-President.

29. NOMINATION OF CANDIDATES

- (1) The Returning Officer shall call for nominations on the first Wednesday in March, by placing advertisements in newspapers circulating throughout the State.
- (2) All advertisements calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the returning officer.
- (3) Nominations shall close 21 day after they are called except for nominations of the office of Union First Junior Vice-President and Union Second Junior Vice-President which shall close at 12 noon on the first day of the meeting of the Executive following the quadrennial elections.
- (4) All candidates must be nominated by two members of the Union who are financial members to and by the end of the month preceding the calling of nominations, with the candidate's consent in writing except for candidates for the office of Union First Junior Vice-President and Union Second Junior Vice-President who must be nominated in writing by the candidate signing the nomination.
- (5) A group of eligible members may nominate as members of a "Team Nomination" which must have a name.

- (6) The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive of any other way.
- (7) In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
- (8) If, in the view of the Branch Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch Returning Officer must:
 - (a) Approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch Returning Officer thinks necessary; and
 - (b) If such changes are not made, decided whether to accept the Team Nomination.
- (9) A Team Nomination must nominate an eligible (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
- (10) A Team Nomination must be in writing and signed by each candidate.
- (11) No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- (12) The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
- (13) In the event of a withdrawal in accordance with sub-rule (12), the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination.
- (14) The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.

30. PROCEDURE AT ELECTIONS

- (1) Where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot of financial members shall be held as hereafter provided:
 - (a) In the case of:
 - (i) Union President;
 - (ii) DELETED
 - (iii) Union Vice-President;
 - (iv) General Secretary;
 - (v) DELETED

- (vi) Union Treasurer,
of all financial members of the Union;
- (b) In the case of:

Committee members of the Executive, of all financial members of the Branch.
- (c) In the case of:

Branch Committee of Management members, of all financial members of the Branch.
- (d) In the case of:-
- (i) Branch President;
 - (ii) Branch Vice-President,
 - (iii) Branch Secretary,
 - (iv) Branch Treasurer;
- of the following Branches:-
- Central West Branch
 - Energy Branch
 - Metropolitan Salaried Officers' Branch
 - Murray Branch
 - Newcastle Branch
 - New England Branch
 - Northern Branch
 - North Western Branch
 - Riverina Branch
 - Southern Branch
 - Sydney Branch;
 - Sydney Clerical and Administrative Branch
 - Airlines Branch
 - Hunter Clerical and Administrative Branch
 - Illawarra Clerical and Administrative Branch

of the Branch Committee of Management members, in which a ballot is necessary;

- (e) In the case of:

Delegates to Conference;

of the Branch Committee of Management members, in which a ballot is necessary.
- (f) In the case of:

Alternate Delegates to Conference;

of the Branch Committee of Management members, in which a ballot is necessary.

- (2) The ballot shall open no later than four weeks after the close of nominations, and shall close twenty-one days thereafter.
- (3) The procedures to be followed in all elections for offices referred to in sub rule 30(1) held pursuant to this Rule shall be as follows:
 - (a) In the conduct of any election, the Returning Officer upon finding a nomination to be defective shall:
 - (i) In the case of an individual candidate, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period, of not less than seven (7) days after being notified.
 - (ii) In the case of a Team Nomination notify the candidate for General Secretary of that Team Nomination of that defect and, if it is practicable to do so give the Team Nomination the opportunity of remedying the defect within seven (7) days after being notified.
 - (b) If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the Returning Officer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said member was nominated, failing which, the Returning Officer shall reject all nominations for full time positions submitted for that member.
 - (c) Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the Returning Officer or Deputy Returning Officer as the case may be, a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinise every act performed or directed by the Returning Officer, Deputy Returning Officer or their agents in connection with the election

The Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- (d) If at the close of nominations only the required number of nominations have been received for any offices the members nominated for such offices shall be declared elected pursuant to Rule 31, and the Returning Officer shall proceed to conduct a ballot in accordance with these Rules for any offices for which more than the required number of nominations was received.

Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in

which case, if there is then only the required number of nominations remaining, those candidates shall be declared elected pursuant to Rule 31.

- (e) For the purpose of an election, the books of the Union shall be deemed to have closed on the last day-of the month immediately preceding the date of calling of nominations, and only members shown in the records of the Union on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.

The General Secretary shall, when required by the Returning Officer, or no later than thirty days after the close of nominations provide to the Returning Officer a certified list of members eligible to vote, showing the name and the residential or postal address appearing in the Union records in respect of each eligible member.

- (f) To safeguard against irregularity the Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour.

The Returning Officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorisation of the Returning Officer. The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight that the secrecy of the ballot is preserved.

The Returning Officer shall make such arrangements with Australia Post as well, for the dispatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorised person has access to the ballot papers.

- (g) The Returning Officer shall prepare and forward or cause to be forwarded by prepaid post to each member entitled to vote a ballot paper together with an envelope in which the ballot paper is to be sealed and a prepaid, return addressed, counterfoil envelope in which the ballot paper, in the sealed envelope, shall be returned by the member voting without expense to the member. Provision shall be made on the counterfoil envelope for a number and for the name and signature of the member to be recorded.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials, but shall not bear any mark that would disclose the identity of the member voting.

To ensure the secrecy of the ballot the Returning Officer shall set aside or cause to be set aside the counterfoil envelope before the envelope in which the ballot paper is sealed is opened and shall have an instruction to this effect printed on the counterfoil envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or lists provided by the General Secretary in accordance with (e) hereof.

- (h) If there is at least one Team Nomination the ballot paper must have two parts divided by a horizontal line.
- (i)
 - (i) The position of all candidates names and Team Nomination names on the ballot paper shall be determined by drawing lots.
 - (ii) The name of the incumbent person (if any) shall be indicated by an asterisk.
- (j) The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in two ways:
 - (i) By completing the first part of the ballot paper (voting “above the line”), by voting each member of a Team Nomination by marking a Team Box with a cross (“X”) in which case only one Team Box should be marked; or
 - (ii) By completing the second part of the ballot paper (voting “below the line”), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the elections with a cross (“X”), in respect of the positions for which an election is being conducted.
 - (iii) If there are not two parts to the ballot paper, the instructions referred to in paragraph (ii) hereof shall appear on the ballot paper with the necessary changes.
- (k) The ballot papers must also contain:
 - (i) The date and time of closing of the ballot; and on the first part:
 - (ii) The name of each Team Nomination; and
 - (iii) Boxes beside the names of the Team Nominations;but otherwise be unmarked in that part.
- (l) The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
 - (i) The name of the position being elected;
 - (ii) The name of each candidate, as each name appears on the nomination form, for election to the position;
 - (iii) The name of the Team Nomination of each candidate (where applicable);
 - (iv) Boxes beside the names of the candidates.
- (m) The Returning Officer shall arrange for the collection and counting of the ballot papers in the presence of the scrutineers present at the appointed time and place.

- (n) If any ballot paper is challenged during the counting of the ballot papers the Returning Officer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.
- (o) A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- (p)
 - (i) Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
 - (ii) If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.
- (q) In the event of there being a tie a candidate who, at the date of nominating, holds the office in question shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.
- (4) Notwithstanding anything in this Rule, where the number of candidates exceeds the number of offices to be filled by collegiate election, a secret ballot of all financial members shall be held as hereafter provided:
 - (a) In the case of:
 - (i) Union First Junior Vice-President;
 - (ii) Union Second Junior Vice-Presidentof all financial members of the Executive.
- (5) Notwithstanding anything in this Rule, the procedure to be followed in elections for offices referred to in sub rule 30(4) held pursuant to this Rule shall be as follows:
 - (a) The Returning Officer shall call for nominations from among financial Committee members of the Executive, hereinafter referred to as the Electoral College, in accordance with Rule 29.

If the Returning Officer finds a nomination to be defective the Returning Officer shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give the person the opportunity of remedying the defect within a period of not less than 24 hours from the time of receipt of advice that the nomination is defective.
 - (b) Seven (7) days before the first meeting of the Executive following the quadrennial elections, the Returning Officer shall notify each member of the Electoral College that the ballot opens at 12 noon and closes at 1pm on the

first day of the first meeting of the Executive following the quadrennial elections.

- (c) If at the close of nominations, only the required number of nominations have been received for any of the offices, the Returning Officer shall declare such candidates elected.
- (d) If there are more than the required number of candidates for any office, the Returning Officer shall conduct an election by secret ballot of the members of the Electoral College on the first day of the first meeting of the executive following the quadrennial elections. The ballot will open at 12noon and close at 1pm.
- (e) Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint a scrutineer by notice in writing to the Returning Officer for any and each place at which the election is conducted. Scrutineers so appointed, may be present and scrutinise every act performed or directed by the Returning Officer, Assistant Returning Officer or their agents in connection with the election. The Returning Officer shall notify all scrutineers of the dates, time and place at which it is proposed to conduct the election.
- (f) The Returning Office shall arrange for the preparation of ballot papers on which the candidates name shall appear in alphabetical order.
- (g) The Returning Officer shall initial and hand to each member of the Electoral College a ballot paper. Each member shall cast a vote by completing the ballot paper by striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.
- (h) Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Returning Officer for an absent vote, together with an address where such member can receive communications, and, if any member has done so, the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.
- (i) The candidate or candidates securing the highest number of votes shall be declared elected.
- (j) In the event of a tie sub rule 30(3)(g) shall apply.
- (k) The Returning Officer shall declare the result in writing as soon as the count is completed to the General Secretary.

31. ASSUMPTION AND TENURE OF OFFICE

- (1) The Returning Officer shall declare the results of the Election:

- (a) where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.
 - (b) where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.
- (2) Candidates elected to any office shall assume office upon the declaration of the ballot by the Returning Officer and shall remain in office until their successors are declared elected.
 - (3) Where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.
 - (4) Where no nomination is received for any office where an election has been conducted in accordance with these Rules and no successor has been duly elected the Returning Officer shall immediately conduct a further election as though a casual vacancy existed pursuant to Rule 32.

32. CASUAL VACANCIES

- (1) A casual vacancy shall occur in any office within the Union, where the holder of an office dies, resigns, is removed from office,-or ceases to hold office, in accordance with these Rules.
- (2) (a) Where a casual vacancy occurs in the office of any Union Officer elected by the whole of the membership and the unexpired portion of the term of the office is more than
 - (i) 12 months; or
 - (ii) three quarters of the term of the office,which ever is the greater, the General Secretary shall immediately report such vacancy to the Executive, and an ordinary election shall be held.
- (b) Where a casual vacancy occurs in the office of Union First Junior Vice-President or Union Second Junior Vice-President and the unexpired portion of the term of the office is more than
 - (i) 12 months; or
 - (ii) three quarters of the term of the office;
- (3) Where a casual vacancy occurs in the office of Union President, Union Vice-President, Union First Junior Vice-President, Union Second Junior Vice-President, General Secretary or Union Treasurer and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the Executive shall appoint an eligible member to the office, for such unexpired portion of the term.

- (4) Where a casual vacancy occurs in an office elected by a Branch and the unexpired portion of the term of such office is more than -
- (i) 12 months; or
 - (ii) three quarters of the term of the office;
- whichever is the greater, the General Secretary shall immediately report any such vacancy to the Executive, and an ordinary election shall be held.
- (5) Where a casual vacancy occurs in an office elected by and from a Branch Committee of Management and the unexpired position of the term of the office is more than
- (i) 12 months; or
 - (ii) three quarters of the term of the office;
- whichever is the greater, the General Secretary shall immediately report such vacancy to the Executive, and a collegiate election of the Branch Committee of Management shall be held.
- (6) Where a casual vacancy occurs in the office elected by and from the members in a Branch or by the members of a Branch Committee of Management and the unexpired portion of the term is less than twelve (12) months or three quarters of the term whichever is the greater, the Branch Committee of Management shall appoint an eligible member to the office, for such unexpired portion of the term.

33. EXECUTIVE

- (1) (a) Commencing from the declaration of the results at the 2011 elections there shall be an Executive, which shall consist of the Union President, the Union Vice-President, the Union Treasurer, the Union General Secretary, (who shall have the title General Secretary) and eighteen Committee members and a Union First Junior Vice-President and Union Second Junior Vice-President elected from the eighteen Committee members.
- (b) The Committee members shall come from the Branches of the Union, with one from each Branch, provided that the Metropolitan Salaried Officers' Branch, Sydney Branch and Sydney Clerical and Administrative Branch shall each be entitled to one additional Committee member.
- (c) Commencing with the elections in 2003 full time employees of the Union shall not be eligible to stand for election or to hold office as a member of the Executive, excepting the office of General Secretary.
- (d) For the purposes of this Rule, employees of the Union shall be those in receipt of a salary paid by the Union. Persons in receipt of payments arising from their appointment as directors of a trustee of a superannuation fund, or as trustees of such a fund or as service providers, shall not, by that reason alone, be deemed to be employees of the Union.

- (e) Should an Executive member, other than the General Secretary, accept temporary or casual employment with the Union, the Executive member shall cease to carry out the duties of Executive member for the period of such employment, and shall be replaced by an alternate Executive member appointed by and from the Committee of Management of the Branch he or she represents.
 - (f) A Branch Committee of Management may appoint a member of their Committee of Management to act as a proxy in the event of a vacancy created by the casual or temporary employment with the Union of their Executive member provided that if the term of the casual vacancy thus created exceeds twelve months or three quarters of the term of office whichever is the greater the casual vacancy shall be filled in accordance with Rule 32.
- (2) Between meetings of Conference the government of the Union in all respects shall be vested in the Executive, which for that purpose shall have all the powers, authorities, functions and duties of Conference other than setting the subscription. Nothing in this sub-rule, however, shall effect in any way the powers conferred by the Rules on any specified Officer or Officers to act in cases of emergency nor the power of the Executive to alter the Rules in accordance with the notice requirements specified in Rule 59(2).
 - (3) Meetings of the Executive shall be held at such time and place as the Executive may determine from time to time: Provided that the General Secretary may summon a meeting of the Executive at any time, and the General Secretary shall do so whenever so directed by the Union President.
 - (4) At a meeting of the Executive a quorum shall be a majority of members entitled to be present and in the event of a quorum not being present within thirty minutes after the appointed time for a meeting of the Executive the meeting shall lapse.
 - (5) In the event of the Union President and the Union Vice-President, the Union First Junior Vice-President and the Union Second Junior Vice-President being absent from a meeting of the Executive, then the members present shall elect a Chairperson of the meeting.
 - (6) Each Executive Committee member shall be paid from the General Funds of the Union such honorariums as may be prescribed by the Executive from time to time.

34. DELETED

35. UNION PRESIDENT

- (1) The Union President shall –
 - (a) be Chairperson of Conference and of meetings of the Executive or of members or representatives of the Union, at which the President is present;
 - (b) superintend the discussion of all business tabled for consideration at such a meeting;

- (c) enforce the Rules of the Union and preserve good order among the members present;
 - (d) possess (and may exercise) an ordinary vote and a casting vote: Provided that at Conference the President shall have a casting vote only;
 - (e) sign the minutes of the proceedings of meetings adopted by a meeting at which the President is present.
- (2) The Union President shall be paid such honorarium as may be prescribed by the Executive from time to time.

36. DELETED

37. UNION VICE-PRESIDENT

- (1) (a) The Union Vice-President shall assist the Union President in the discharge of the duties of that office.
- (b) In the absence of the Union President from a meeting of which the member would, if present, be Chairperson, the Union Vice-President shall be Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Union President.
- (2) The Union Vice-President shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.

37A. UNION FIRST JUNIOR VICE-PRESIDENT

- (1) (a) The Union First Junior Vice-President shall assist the Union Vice-President in the discharge of duties of the office.
- (b) In the absence of the Union Vice-President from a meeting of which the member would, if present, be Chairperson, upon nomination by a majority of the Executive, the Union First Junior Vice-President shall be Chairperson of such meeting and for that purpose shall have all duties and may exercise all the powers of the Union Vice-President.
- (c) Upon nomination by the Union President, or in the absence of the Union President, by the Union Vice-President, the Union First Junior Vice-President shall be Chairperson of any Union meeting of which the Union President or Union Vice-President would otherwise be Chairperson, and for that purpose shall have all duties and may exercise all the powers of the Union President or Union Vice-President.
- (2) The Union First Junior Vice-President shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.
- (3) This Rule becomes effective from the declaration of the results at the 2011 elections.

37B. UNION SECOND JUNIOR VICE-PRESIDENT

- (1)
 - (a) The Union Second Junior Vice-President shall assist the Union Vice-President in the discharge of duties of the office.
 - (b) In the absence of the Union Vice-President from a meeting of which the member would, if present, be Chairperson, upon nomination by a majority of the Executive, the Union First Junior Vice-President shall be Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Union Vice-President.
 - (c) Upon nomination by the Union President, or in the absence of the Union President, by the Union Vice-President, the Union Second Junior Vice-President shall be Chairperson of any meeting of which the Union President or Union Vice-President would otherwise be Chairperson, and for that purpose shall have all the duties and may exercise all the powers of the Union President or Union Vice-President.
- (2) The Union Second Junior Vice-President shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.
- (3) This Rule becomes effective from the declaration of the results at the 2011 elections.

38. GENERAL SECRETARY

- (1) The General Secretary may be paid such salary as may be prescribed by the Executive from time to time.
- (2)
 - (a) The General Secretary, between meetings of the Conference and Executive shall conduct and manage the affairs of the Union and do all things necessary to be done by or on behalf of the Union.
- (3)
 - (a) General Secretary shall control and manage the office and employees of the Union;
 - (b) be the responsible Officer for the execution of all documents on behalf of the Union other than as provided in Rule 10,
 - (c) have charge of the records of the Union, including a register of members showing the name residential and postal addresses, Branch and financial status of each member, and be responsible for the recording, filing and safe keeping thereof
 - (d) shall advise all Branch Secretaries of all new members allocated to their Branch and also all resignations from their Branch.
 - (e) have authority to represent the Union before Tribunals under the N.S.W. Industrial Relations Act, 1996, as amended and/or the Workplace Relations Act, 1996 (Cth).

- (f) prepare and furnish all returns, statements, declarations or the like as required by law;
 - (g) see that the accounts of the Union are kept and presented for audit in accordance with these Rules;
 - (h) prepare a financial statement for each meeting of Conference, or more often if so desired by the Executive, setting out the financial dealings of the Union since the immediately preceding report and the financial position of the Union as at the date of the report;
 - (i) keep accurate, permanent records of the activities of the Union and of all property of the Union.
 - (j) hand over all books and other property belonging to the Union in the General Secretary's hands as directed by Conference or the Executive;
 - (k) generally perform such other duties as are allocated to the General Secretary by Conference or the Executive from time to time.
 - (l) prepare a report for each meeting of Conference, setting out the activities of the Union since the immediately preceding report;
- (4) Pending an election to fill any vacancy in the office of General Secretary or during any period that the General Secretary is unable to carry out the functions of the office, the Executive may appoint any person eligible to be elected General Secretary to be Acting General Secretary. The Person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the General Secretary under the Rules of the Union.
- (5) Prior to or during any temporary absence of the General Secretary, the General Secretary may appoint any person eligible to be elected General Secretary to be Acting General Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the General Secretary under the Rules of the Union.

39. DELETED

40. UNION TREASURER

- (1) The Union Treasurer shall -
- (a) sign all cheques as required by these Rules;
 - (b) check the accounts of the Union as kept by the General Secretary;
 - (c) present all accounts of the Union to each meeting of Conference and the Executive;
 - (d) generally perform such other duties as are allocated to the Treasurer by Conference or the Executive from time to time; and

- (e) hand over all books and other property belonging to the Union in the Treasurers hands as directed by Conference or the Executive.
- (2) The Union Treasurer shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.

41. ORDER OF BUSINESS AND STANDING ORDERS

- (1) The order of business at meetings of the Union shall be;
 - (a) Apologies
 - (b) Minutes
 - (c) Financial Reports
 - (d) Executive Reports
 - (e) Notices of Motion
 - (f) Business

The Rules of Debate at meetings of the Union shall be;

- (2) Any member desiring to propose a motion or an amendment or to discuss any matter under consideration, must address the Chairperson. The right of speaking on any subject shall belong to the member who first addresses the Chairperson. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later. When two or more members seek the right to speak together the Chairperson shall call upon the member who, in the chairs opinion, first addressed the chair. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- (3) All business shall proceed by way of motion which must be affirmative in character. All motions and amendments shall be placed in writing when directed by the Chairperson.
- (4) No member, when speaking, shall be interrupted unless called to order, when that member shall sit down, and the member calling to order shall be heard in support of this point: the Chairperson may at that stage decide the point or hear further discussion, but such point shall be decided before the debate is resumed.
- (5) A motion may be superseded at any time by another motion,
"That it be discharged from the agenda paper"
or
"That the next business be proceeded with".
being resolved in the affirmative, such superseding motion shall be put without debate.

- (6) Any motion or first amendment not seconded shall not be further debated, but shall lapse.
- (7) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. Amendments shall be put to the vote in the order in which they are received. When amendments have been put and lost the original motion shall then be put to the meeting.
- (8) No amendment shall be received by the Chairperson which is a direct negative to a motion, or which does not preserve the substance of such motion.
- (9) Immediately the debate on any question is concluded the Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by voting, which shall be on the voices, unless the Chairperson or a member present calls for a show of hands; in the event of three or more members present so demanding the vote shall be taken on a division. No member shall enter or leave the meeting while a division is being taken. In the event of the voting on any question being equal the Chairperson shall declare the motion lost.
- (10) No member shall speak on any motion after the same has been put by the Chairperson.
- (11) When the Chairperson rises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.
- (12) It shall be competent for a majority of members present at the meeting by resolution to suspend so much of the Standing Orders as may be necessary to achieve some purpose specified in the resolution, such as to introduce some matter which is not in the program of business, or to vary the order of business to give priority to some particular matter.
- (13) No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting. The time of discussion to be limited to sixty minutes for each question unless extended by resolution.
- (14) Any member dissatisfied with the Chairperson's ruling may move a motion of dissent in the following terms:- "That the Chairperson's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairperson who may state reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairperson, without further discussion, in the following form:- "The motion is that the Chairperson's ruling be upheld."
- (15) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speakers remarks, no member arises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.

- (16) Any member who has not spoken on the business before the Chair shall have the right to move "That the question be now put" at any time during the course of the debate.
- (17) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairperson. Such adjournment shall follow if carried by a vote of the members present.
- (18) When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the meeting.
- (19) Any motion agreed to or negatived cannot again be discussed unless one month's clear notice of the proposed recommittal be given. The Chairperson may allow debate on motions prior to the 1 month limit if it is deemed that exceptional circumstances exist.
- Any rescision motion must be carried by 2/3rds of those entitled to vote at any meeting so called.
- (20) A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting thereon. If the report contains no recommendation it shall be competent for a member to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.
- (21) (a) The meeting may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee.
- (b) The Rules governing the business of the meeting shall be observed when in Committee.
- (22) The Rules of debate in this Rule shall apply to all meetings of the Union.

42. EMPLOYEES OF THE UNION

The Union may employ such persons for the purpose of carrying out these Rules as the Executive deems necessary.

All appointments shall be made in accordance with the Union's Appointment Policy. The General Secretary is empowered by these Rules to appoint staff in accordance with the Staff Establishment Chart subject to a report being provided to the next Executive meeting.

Employees of the Union shall be under the control of the General Secretary (Rule 38 (3)(a)) shall be employed during the pleasure of the Executive only, and shall be employed upon such terms and conditions as the Executive may prescribe from time to time.

43. VACATION OF OFFICE

- (1) An Officer of the Union shall be deemed to have vacated their office -

- (a) upon the death of the occupant;
- (b) upon the occupant becoming of unsound mind;
- (c) upon receipt by the Branch of a signed notice of resignation of the occupant;
- (a) upon the occupant ceasing to be a member of the Union;
- (b) upon the occupant becoming an unfinancial member; or
- (f) upon the occupant no longer being employed for six months in the industry or no longer working in the Branch area, workplace, or grouping for which they were elected.
- (g) upon the removal of the occupant pursuant to Rules 40 and 69 of these Rules.

44. SUSPENSION AND REMOVAL FROM OFFICE

(1) In the case of the holders of the offices of:

- (a) Union President, Union Vice-President, General Secretary, Union Treasurer, Executive Committee Members, Committee of Management members, Delegates and alternate Delegates to Conference.
- (b) At a meeting of the Executive, to which the holder of any of the above offices has been summoned, in writing by direction of the Executive, to show cause why they should not be dealt with in accordance with this Rule, the Executive may;
 - (i) remove that Officer from any office if they have ceased according to the Rules to be eligible to hold such office, or
 - (ii) deal with that Officer in accordance with sub-rule (4) of this Rule if the Officer has been found guilty by the Executive of:
 - misappropriation of funds of the Union;
 - a substantial breach of the Rules of the Union;
 - gross misbehaviour in relation to the office, or
 - gross neglect of duty in the conduct of the office;

The summons to show cause shall:

- (a) state the allegation together with the particulars thereof;
- (b) disclose the evidence on which the allegation is based;
- (c) state the time, date and place at which the Officer is to show cause;
- (d) be delivered personally to the Officer concerned (or posted by

registered mail to the Officers last known address) at least twenty-one days before the meeting at which the matter is to be determined;

- (e) have attached to it a copy of this Rule.
- (2) Should any Officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on them.
- (3) The evidence relating to the alleged offence should be heard by the Executive and the Officer concerned shall be heard in defence personally and/or in writing.
- (4) If in the opinion of the Executive the Officer is guilty of the alleged offence it may
 - (a) reprimand the Officer;
 - (b) suspend the Officer for a period not exceeding three months;
 - (c) dismiss the Officer from office; or
 - (d) expel the Officer from the Union.
- (5) The General Secretary, or where appropriate the Union President, shall promptly inform the Officer by registered letter of the decision of the Executive. The decision of the Executive shall become effective immediately after it is made.
- (6) If the Executive suspends any Officer from office pursuant to this Rule it shall forthwith appoint a member of the Union eligible to perform the duties of that office for the duration of the suspension.
- (7) Any Officer expelled by the Executive pursuant to this Rule shall not be re- admitted to membership except by a vote of the Executive.
- (8) No Officer suspended under this Rule shall attend any meeting of the Union unless requested to do so by the relevant meeting.
- (9) An Officer suspended or removed from office or expelled from the Union pursuant to this Rule shall have a right of appeal to a meeting of Conference provided that the Officer lodges a written appeal within twenty-eight days of the decision against which the appeal is made. The members of the Executive, other than the General Secretary shall not participate in the hearing and determination of any appeal to the Conference from the Executive.

45. SPECIAL CONFERENCE

- (1) The Executive may convene a Special Conference at its own initiative or at the request of at least fifty percent of the Branches.
- (2) All office holders eligible to attend the Conference shall receive at least four weeks notice of the time and place of the Special Conference.

- (3) The Executive shall determine the agenda items for the Special Conference and notify the office holders in (2) of the agenda at least four weeks prior to the Special Conference.
- (4) The Executive may subsequently incorporate additional items in the Agenda at any time up to the conclusion of the Special Conference.
- (5) Special Conference shall consist of the Executive and Conference delegates from the Branches of the Union. The Chairperson shall not have a deliberative vote, but shall have a casting vote.
- (6) Special Conference shall have the same powers and authorities as conferred on Conference in Rule 23.
- (7) Rule 23 Conference shall apply, mutatis mutandis to Special Conference.

46. MEMBERS' PICNIC

- (1) The Executive or one or more Branches may organise an annual picnic of members, and a member attached to a Branch in an area or sphere as to which such a picnic is organised shall be liable to pay to the Union the price of the picnic ticket for such picnic.
- (2) The date and price of a picnic ticket for a Union picnic of members organised within the Sydney Metropolitan Area shall be fixed by the Executive and the date and price of a picnic ticket for a picnic of members organised outside the Sydney Metropolitan Area shall be fixed by the Committee of Management of the Branch concerned.
- (3) Non members may purchase a picnic ticket at a rate determined or an appropriate commercial basis as determined from time to time by the Executive or the relevant Branch Committee of Management.
- (4) Branches may elect to apply an additional annual picnic levy to members (excluding metropolitan members) of not less than fifty (50) cents per week or twenty-six (26) dollars per year with all accumulated funds to be used only for the purpose of Sub Branch Union Picnic functions.

47. APPEALS

- (1) From any decision of the Committee of Management of a Branch an appeal shall lie to a meeting of the Branch, and not otherwise.
- (2) From any decision of a Branch an appeal shall lie to the Executive, and not otherwise.
- (3) From any decision of the Executive an appeal shall lie to Conference.
- (4) Every appeal from a decision shall be made within fourteen days next after the date of notification to the appellant of such decision, and shall be by notice in writing lodged with the Branch Secretary where the appeal is being made to a Branch or lodged with the General Secretary where the appeal is being made to the Executive

or to Conference, and such notice shall state the grounds of appeal, shall bear the date on which it is signed and shall be signed by the appellant.

- (5) Notice of the date, time and place of hearing of an appeal shall be given to the appellant and to any other party to the appeal at least seven days before the date of such hearing.
- (6) Every party to an appeal shall be entitled to be present at the hearing of the appeal, and to be heard.
- (7) On any appeal the appellant body may affirm, reverse or otherwise alter (in whole or in part) the decision appealed against.

48. POWER TO IMPOSE LEVY

The Executive may from time to time strike a levy or levies on all members of the Union or on a Branch or Branches of the Union or on a section of the membership of the Union.

Levies imposed on a Branch or Branches or a section of the membership shall not be imposed except for the purpose of providing funds for advancing or protecting the particular interests or meeting the particular requirements of the Branch or section of the members concerned respectively, in accordance with the objects of the Union.

49. POWER TO MAKE A LOAN, GRANT OR DONATION

- (1) The Executive may approve the making of a loan, grant or donation, once it is satisfied:
 - (a) that the making of the loan, grant or donation would be in accordance with the Rules of the Union: and
 - (b) in the case of a loan - that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.

50. ADEQUACY OF NOTICE

Any Rule of these Rules which requires that notice otherwise than by publication in a newspaper shall be given, or that any document shall be forwarded to a member shall be deemed to be complied with if the notice or document be forwarded by prepaid letter to the address of the member last furnished pursuant to Rule 58 of these Rules, or if there be no such address, to the address furnished by the member when applying for admission to membership of the Union.

51. ILLEGAL STRIKE

Neither the Union nor any of its members shall take part in, aid or abet an illegal strike, nor shall the Union or any of its members, during the currency of any strike, do any act or thing to induce or compel any person to refrain from handling or dealing with any article or commodity in the course of transit thereof, or in the process of the manufacture, sale, supply or use thereof.

52. RIGHT OF ENTRY

- (1) An Officer or employee of the Union authorised under Section 299 of the NSW Industrial Relations Act 1996 may enter, during working hours any premises where relevant employees are engaged for the purpose of holding discussions with the employees at the premises in any lunch time or non working time.
- (2)
 - (i) An Officer or employee of the Union authorised under Section 299 of the NSW Industrial Relations Act 1996 may enter, during working hours any premises where relevant employees are engaged for the purpose of investigating any suspected breach of the industrial relations legislation or of any industrial instrument that applies to any such employees.
 - (ii) Such entry must be carried out in accordance with the relevant provisions of the NSW Industrial Relations Act 1996.

53. ABSORPTION

Members of an organisation, association or union, whether registered or not, may be absorbed into membership of the Union by decision of Conference and upon such terms and in such manner as Conference by its decision prescribes, provided that such members are qualified for membership of the Union in accordance with Rule 4 of these Rules.

54. AFFILIATION

- (1) The Union may affiliate with a body established for the protection and promotion of the cause of Labor in the geographical territory of the Union by decision of the Executive and upon such terms and in such manner as the Executive by its decision prescribes.
- (2) Where a term of any such affiliation is that the Union shall have delegates to represent it upon the body with which it affiliates, and such delegates are to be chosen or elected (and not appointed), any necessary election of delegates shall be carried out in the same manner as the election for the Executive, and Rule 30 of these Rules shall apply, mutatis mutandis, to such an election.

55. AMALGAMATION

The Union may amalgamate with another industrial union upon a resolution to that effect of Conference which includes within it the terms upon which amalgamation is being effected.

56. BY LAWS

The Executive may from time to time make any by-law necessary or convenient for achieving the objects of the Union, and generally for carrying into effect these Rules: provided that no by-law may be made nor shall be valid which is inconsistent with these Rules.

57. INSPECTION OF BOOKS

A member of the Union, upon personal application to the General Secretary, may inspect during the normal office hours of the office of the Union the books and Union Register of Members in the custody of the General Secretary.

58. COPY OF RULES

- (1) Upon admission to membership a member, upon application, shall be entitled to receive free of charge from the Branch Secretary of the Branch to which the member is attached a copy of these Rules, and upon any reprint of these Rules, each member, upon like application, shall be entitled to receive free of charge a copy thereof.
- (2) A member, upon application, may at any time obtain additional copies of these Rules upon the payment of the sum of five dollars for each such additional copy.

59. ALTERATION OF RULES

- (1) These Rules may be amended or repealed or new Rules may be made by Conference provided:-
 - (a) That written notice of proposed amendment, repeal or new Rule has been given to the General Secretary not less than two (2) months before the date of the Conference; and
 - (b) Notice of the proposed amendment, repeal, or new Rule together with the Agenda paper for the Conference is posted to all Conference delegates not less than fourteen (14) days before the date of the Conference.
- (2) The Rules may be amended or repealed or new Rules made by the Executive, other than setting subscriptions in accordance with Rule 33 (2)), provided:
 - (a) That written notice of the proposed amendment, repeal or new Rule has been given to the General Secretary not less than twenty one (21) days before the date of the Executive; and
 - (b) Notice of the proposed amendment, repeal or new Rule together with the Agenda Paper for the Executive is posted to all Executive members not less than fourteen (14) days before the date of the Executive.

60. DISSOLUTION OF UNION

- (1) The Union shall not be dissolved, nor its funds or property appropriated to any purpose other than those set forth in these Rules, so long as thirty members are enrolled in the Union Register of Members.
- (2) Should the number of members of the Union at any time be reduced from any cause whatsoever to less than thirty, the Union may be dissolved by a decision of the majority of the members voting by secret ballot on the question.

- (3) After discharging all debts and liabilities, the remaining assets of the Union shall be distributed to the members.
- (4) Notice of any such dissolution signed by the General Secretary and seven members shall be given immediately to the Industrial Registrar.

61. NAME OF BRANCH

The name of a Branch shall be the name assigned to the Branch by or pursuant to Rule 9 of these Rules, and it shall be expressed thus: "New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities (herein insert the name of the Branch) Branch".

62. FUNDS OF BRANCH

- (1) Funds received by a Branch shall be the property of the Union, and this Rule shall be read subject to Rule 10 of these Rules.
- (2)
 - (a) From the funds received by it a Branch shall retain the sum of-Seventeen percent per annum of the membership subscription exclusive of any levies or special considerations in respect of each member attached to the Branch, and any fine imposed by the Branch or by the Committee of Management thereof upon a member attached to the Branch.
 - (b) From the funds received by it, a Branch shall provide for the payment of honorariums to Branch President, Branch Vice-President, Branch Secretary and Branch Treasurer for services rendered.

Provided that in each financial year payment is made as prescribed by Union policy.

- (c) From the funds received by each Branch specified in this sub-rule, a branch shall provide for the payment of a recruitment allowance, the allowance shall be paid as prescribed by Union policy to members of the Committee of Management (and any other specified representatives):
 - (i) in each financial year the sum of such commissions paid shall not exceed fifteen percent of the funds of the Branch as specified in paragraph (a) hereof or in the case of specified representatives determined in accordance with (c) hereof the maximum payment shall not exceed the annual subscription rate.
 - (ii) the Branches to which this sub rule applies are the Central West Branch, Energy Branch, Metropolitan Salaried Officers' Branch, Murray Branch, Newcastle Branch, New England Branch, Northern Branch, North Western Branch, Riverina Branch, Southern Branch and Sydney Branch.

Provided that in each financial year the sum of such commissions paid shall not exceed fifteen percent of the funds of the Branch as specified in paragraph (a) hereof or in the case of specified representatives determined in accordance with (c) hereof the maximum payment shall not exceed the annual subscription rate.

- (d) A Branch, after retaining the sums specified in paragraph (a) hereof, shall remit to the Executive not less frequently than once in each half year the balance of all funds received by it.
 - (e) A Branch shall after each half yearly balance specified in paragraph (d) remit to the General Fund all funds in excess of ten thousand dollars.
- (3) Notwithstanding the provisions of paragraph (b) and (c) of sub rule 2 of this Rule, the funds retained by a Branch shall be used by it for the objects of the Union as prescribed by Rule 5 of these Rules, and in the necessary expenses of management of the Branch.
- (4) (a) Subject to this Rule, funds and all real and personal estate belonging to the Union in the hands of a Branch shall be under the control of the Committee of Management of the Branch.
- (b) Funds and all personal estate other than securities belonging to the Union in the hands of a Branch shall be in the custody of the Committee of Management of a Branch, subject to any direction that the Executive may give from time to time in accordance with Rule 10 (4).
- (5) Funds of the Union in the hands of a Branch shall, be banked with any registered financial institution, approved by the Executive in the name of the Union and of the Branch.
- (6) All cheques or withdrawal forms, as the case may be, drawn upon any such account, shall be signed by the Branch Treasurer, and shall be countersigned by the Branch President and the Branch Secretary: Provided that in the case of absence of any of such persons, or of their inability to sign cheques or withdrawal forms, the Committee of Management may appoint a member of the Committee of Management to sign in place of the absent or unable person either generally or in any particular case.

63. AUDIT OF BRANCH FUNDS

- (1) Immediately prior to the annual general meeting of the Branch, and at least one other regular occasion in the year, the Union Auditors shall -
- (a) investigate the books and other documents of the Union in the hands of the Branch appertaining to finance, and audit the accounts of the Branch; and
 - (b) furnish to the General Secretary and Committee of Management a report and balance sheet of the Branch's finances, certifying to the correctness of such report.
- (2) Notwithstanding any foregoing provision of this Rule, the Executive may direct at any time an investigation and audit of the books and other documents of the Union in the hands of a Branch by the Union Auditor.

64. BRANCH REGISTER OF MEMBERS

An up to date register of the names and residential or postal addresses and employer details of the members attached to a branch shall be forwarded to the Branch Secretary at least each 3 months.

65. CHANGE OF MEMBER'S ADDRESS

A member changing address will provide the details of such change to the membership section of Head Office within 14 days of such change occurring.

66. BRANCH COMMITTEE OF MANAGEMENT

Subject to these Rules, the management of a Branch shall be vested in a Committee of Management consisting of the Branch President, the Branch Vice-President, the Branch Treasurer, the Branch Secretary and such number of Committee persons as the Branch determines subject to endorsement by the Executive provided that the maximum number of Committee persons of any Branch shall not exceed thirty other than each of the Metropolitan and Salaried Officers' Branch and the Sydney Branch which may each have up to forty Committee persons.

67. BRANCH PRESIDENT

(1) A Branch President shall -

- (a) be Chairperson of meetings of the Branch and of the Committee of Management of the Branch and of meetings of members or representatives of the Union attached to the Branch at which the Branch President is present;
- (b) superintend the discussion of all business tabled for consideration at such a meeting;
- (c) enforce the Rules of the Union and preserve good order among members present;
- (d) possess (and may exercise) an ordinary vote and a casting vote; and
- (e) sign the minutes of proceedings of meetings adopted by a meeting at which the Branch President is present.

(2) Subject to Rule 62 (2)(b) of these Rules a Branch President shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

68. BRANCH VICE-PRESIDENT

(1) A Branch Vice-President shall assist the Branch President in the discharge of the duties of the Branch President office.

- (2) In the absence of a Branch President from a meeting at which the Branch President would, if present, be Chairperson, the Branch Vice-President shall be the Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Branch President.
- (3) Subject to Rule 62(2) (b) of these Rules, a Branch Vice President shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

69. BRANCH SECRETARY

- (1) A Branch Secretary shall be responsible for the performance of the administrative work of the Branch, and in particular shall:
- (a) carry out the obligations specifically imposed by these Rules;
 - (b) keep the records of the Branch, and the minutes of meetings of the Branch, and of the Committee of Management thereof;
 - (c) check the accounts of the Branch as kept by the Branch Treasurer.
 - (d) arrange for all meetings of the Branch and of the Committee of Management thereof, and the giving of due notice to members;
 - (e) Shall enter all assets in the Assets Register and shall present the Register for a yearly audit as and when required by the General Secretary
 - (f) generally perform such other duties as are allocated by the Committee of Management of the Branch from time to time: and
 - (g) hand over all books and other property belonging to the Union as directed by the Committee of Management of the Branch.
- (2) Subject to Rule 62 (2)(b) of these Rules, a Branch Secretary shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

70. BRANCH TREASURER

- (1) A Branch Treasurer shall -
- (a) sign all cheques as required by these Rules;
 - (b) keep the accounts of the Branch and present them for audit pursuant to these Rules.
 - (c) present all accounts of the Branch to each meeting of the Branch and to the Committee of Management thereof;
 - (d) generally perform such other duties as are allocated by the Committee of Management of the Branch from time to time; and

- (e) hand over all books and other property belonging to the Union as directed by the Committee of Management of the Branch.
- (2) Subject to Rule 62 (2)(b) of these Rules, a Branch Treasurer shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

71. SUSPENSION AND REMOVAL FROM COMMITTEE OF MANAGEMENT

- (1) At a meeting of a Branch Committee of Management, to which the holder of any Branch office has been summoned in writing signed by the Branch Secretary or the Branch President, to show cause why they should not be dealt with in accordance with this Rule the Committee may:
 - (a) remove that Officer from any office if they have ceased according to the Rules to be eligible to hold such office, or
 - (b) deal with that Officer in accordance with sub-rule (4) of this Rule if the Officer has been found guilty by the Committee of:
 - misappropriation of funds of the Union;
 - a substantial breach of the Rules of the Union;
 - gross misbehaviour in relation to the office, or
 - gross neglect of duty in the conduct of the office;

The summons to show cause shall:

- (i) state the allegation together with the particulars thereof;
- (ii) disclose the evidence of which the allegation is based;
- (iii) state the time, date and place at which the Officer is to show cause;
- (iv) be delivered personally to the Officer concerned (or posted by registered mail to the Officers last known address) at least twenty one days before the meeting at which the matter is to be determined;
- (v) have attached to it a copy of this Rule.
- (2) Should any Officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Committee may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on them.
- (3) The evidence relating to the alleged offence should be heard by the Committee and the Officer concerned shall be heard in defence personally and/or in writing.
- (4) If in the opinion of the Committee the Officer is guilty of the alleged offence it may:
 - (a) reprimand the Officer;

- (b) suspend the Officer for a period not exceeding three months;
 - (c) dismiss the Officer from office.
- (5) The Branch Secretary, or where appropriate the Branch President shall promptly inform the Officer by registered letter of the decision of the Committee. The decision of the Committee shall become effective immediately after it is made.
 - (6) If the Committee suspends any Officer from office pursuant to this Rule it shall forthwith appoint a member of the Union eligible to perform the duties of that office for the duration of the suspension.
 - (7) No Officer suspended under this Rule shall attend any meeting of the Union unless requested to do so by the relevant meeting.
 - (8) Any Officer reprimanded, suspended, fined or dismissed from office pursuant to this Rule shall have a right of appeal to a meeting of the Executive provided that the Officer lodges a written appeal within twenty-eight days of the decision against which the appeal is made.

72. GENERAL MEETINGS OF BRANCH

- (1) General Meetings of a Branch shall be held, at such time and place, as the Committee of Management of the Branch may determine from time to time: Provided that a meeting shall be held in the month of November or December in each and every year, and such meeting shall be the Annual General Meeting: Provided further that a meeting of a Branch shall be held upon petition signed by not less than five hundred financial members or half the financial members of the Branch, whichever is the less, and lodged with the Branch Secretary.
- (2) A Branch Secretary shall, at least twenty-eight days prior to each General Meeting, by Notice publicise the date, time and place of the forthcoming General Meeting and seeking agenda items and/or notices of motion, which must be notified to the Branch Secretary, in writing at least fourteen days prior to the meeting.
- (3) A Branch Secretary shall at least seven days prior to each general meeting by notice publicise the agenda and notices of motion if any.
- (4) At a meeting of a Branch a quorum shall be five and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of a Branch the meeting shall lapse.
- (5) Proxies are not permitted at general meetings.
- (6) In the event of the Branch President and the Branch Vice-President being absent from a meeting of a Branch, then the members present shall elect a Chairperson of the meeting.
- (7) The Branch shall not be liable for any expenses or loss of earnings incurred by a member of the Branch, other than Committee of Management members, in their attendance at an Annual General Meeting of a Branch.

73. BRANCH COMMITTEE OF MANAGEMENT

- (1) Meetings of the Committee of Management of a Branch shall be held at such time and place as the Committee of Management may determine from time to time: Provided that it shall not meet less frequently than quarterly. The Branch Secretary may summon a meeting of the Committee of Management of the Branch at any time, and shall do so whenever so directed by the Branch President.
- (2) At a meeting of the Committee of Management of a Branch a quorum shall be five, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Committee of Management the meeting shall lapse.
- (3) In the event of the Branch President and Branch Vice-President being absent from a meeting of the Committee of Management of a Branch, then the members present shall elect a Chairperson of the meeting.

74. ANNUAL RETURNS OF BRANCH

- (1) In the month of February and July in each and every year a Branch Secretary shall compile a statement showing -
 - (a) the income and expenditure of the Branch for the financial year last past;
 - (b) the whereabouts of the funds and property (real and personal) of the Union in the hands of the Branch;

as at 31 December and 30 June past, and shall within the same months forward a statement thereof certified as correct to the General Secretary.

- (2) If a Branch Secretary fails to forward to the General Secretary the aforesaid copy within the said month, and thereafter fails to do so for a further fourteen days after being directed by the General Secretary to forward such statement, the Executive may suspend the Branch and the members attached thereto from all the benefits of membership until the said statement is forwarded to the General Secretary.

75. BRANCH AFFILIATION

- (1) A Branch may affiliate with a body established for the protection and promotion of the cause of Tabor in the sphere of the Branch by decision of the Committee of Management of the Branch and upon such terms and in such manner as the Committee of Management by its decision prescribes, provided that no such affiliation shall be of any force or effect unless and until approved by the Executive.
- (2) Where the terms of any such affiliation is that the Branch shall have delegates to represent it upon the body with which it affiliates, and such delegates are to be chosen or elected (and not appointed), any necessary election of delegates shall be filled in the same manner as the election for the Committee of Management of the Branch.

76. BRANCH BY-LAWS

The Committee of Management of a Branch may from time to time make any by-laws necessary or convenient for achieving the objects of the Union and generally for carrying into effect these Rules: Provided no by-law may be made which is inconsistent with these Rules: Provided further no by-law shall be of any force or effect unless and until approved by the Executive.

77. INSPECTION OF BRANCH BOOKS

A member of the Union, upon personal application to a Branch Secretary, may inspect at a reasonable time the books and Branch Register of Members in the custody of the Branch Secretary.

78. DELETED

End of Rules

Rules of a *State Industrial Organisation*
registered under the *Industrial Relations Act 1996*

AUSTRALIAN SERVICES UNION OF N.S.W

as at 29 October 2007

CONTENTS

1.	NAME	2
2.	CONSTITUTION	2
3.	OBJECTS.....	6
4.	REGISTERED OFFICE AND PLACE OF MEETING	6
5.	THE COMMITTEE OF MANAGEMENT	6
6.	INDUSTRY DIVISIONS	7
7.	PORTS INDUSTRY DIVISION.....	8
8.	SOCIAL AND COMMUNITY SERVICES INDUSTRY DIVISION	8
9.	SYDNEY WATER INDUSTRY DIVISION	11
10.	HUNTER WATER INDUSTRY DIVISION	11
11.	TRANSPORT INDUSTRY DIVISION	11
12.	AIRLINES INDUSTRY DIVISION	12
13.	DUTIES OF OFFICERS	12
14.	PROPERTY AND FUNDS.....	14
15.	WELFARE AND EMERGENCY FUND - SYDNEY WATER WAGES	15
16.	ATOA FUND.....	15
17.	SUBSCRIPTIONS	17
18.	UNFINANCIAL MEMBERS	18
19.	LOANS, GRANTS OR DONATIONS	18
20.	AUDITOR	18
21.	ADMISSION	19
22.	RESIGNATIONS	19
23.	REGISTER OF MEMBERS.....	20
24.	LIFE AND ASSOCIATE MEMBERSHIP.....	20
25.	SUSPENSION AND REMOVAL FROM OFFICE	21
26.	MISCONDUCT OF MEMBERS.....	22
27.	MEMBERS' GRIEVANCES	22
28.	ELECTIONS	22
28A.	APPOINTMENT OF COMMITTEE OF MANAGEMENT	28
29.	CASUAL VACANCIES	28
30.	MEETINGS.....	29
31.	QUORUMS.....	31
32.	STANDING ORDERS	31
33.	RULES OF DEBATE	32
34.	SEAL	36
35.	ALTERATION TO RULES.....	36
36.	INSPECTION OF BOOKS.....	37
37.	DISSOLUTION.....	37
38.	SUB-COMMITTEES.....	38
39.	DELEGATES.....	38
	End of Rules	38
	ANNEXURE	39



1. NAME

The Union shall be called the Australian Services Union of N.S.W.

2. CONSTITUTION

PART I The Union shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and

PART 11 The Union shall consist of all persons employed as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and -

PART III No person shall be admitted as a member of this Union under this Part unless they are by the nature of their occupation or employment of the class of which this Union under this part is constituted, that is to say, unless:-

- (a) They are a duly certified clerk under the *Local Government Act, 1919*, or any Act amending the same; or
- (b) They are entitled upon application to receive a certificate as such Local Government Clerk; or
- (c) They are otherwise entitled under the law for the time being in force to occupy the position of town or shire or county clerk.

PART IV The Union shall consist of any person employed or usually employed on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the Union.

Excepting that:

- (a) Persons eligible to be members of the Federated Miscellaneous Workers' Union of Australia (NSW Branch) as at 26 September 1986 shall not be

eligible to join the Union; provided that this exclusion will not apply, to the extent it might otherwise, to persons employed.

- A. As coordinators in a multipurpose neighbourhood centre that encompasses a child care facility;
 - B. In residential child care services providing welfare and social support in a residential setting (including family group homes or institutional care for children) where such services are distinct from:
 - (i) Sessional care to pre-school children, long day care, extended hours care or 24 hours care;
 - (ii) Before and after school care;
 - (iii) Playgroups;
 - (iv) Occasional care;
 - (v) Vacation care;
 - (vi) Multipurpose child care;
 - C. As community development workers;
 - D. In family counselling and support services;
 - E. In women's and youth refuges;
 - F. As family day care coordinators and family day care child development.
- (b) Persons shall not be eligible to join the Union if they are eligible for membership of the Public Service Association of NSW and are employed:
- A. Pursuant to the provisions of:
 - (i) the *Public Service Act of 1979*; or
 - (ii) the *Health Commission Act 1972*; or
 - (iii) the *Health Administration Act 1982*; or
 - (iv) any Act replacing the said Acts; or
 - B.
 - (i) in or by any Department, body, Organisation or group within the terms of the *Public Service Act 1979* or any Act replacing that Act irrespective of whether it remains or continues to be a department, body, Organisation or group in terms of the said Act; or
 - (ii) in or by any Declared Authority within Schedule 3 of the *Public Service Act 1979*, on or before 19 November 1985 irrespective of whether it remains or continues to be a declared authority in terms of the said Act; or
 - (iii) as a ministerial employee; or
 - (iv) by Ministers of the Crown in right of the State of NSW or in the offices of such Ministers; or
 - (v) by the Electricity Commission of NSW; or



- (vi) by the Grain Handling Authority; or
 - (vii) by the Water Resources Commission; or
 - (viii) by for Main Roads; or
 - (ix) by the Commissioner for Motor Transport; or
 - (x) by the Home bush Abattoir Corporation; or
 - (xi) by hospitals included in the 2nd, 3rd or 5th schedule of the *Public Hospitals Act 1929*, or any Act replacing it, by the Public Hospitals or by public dental clinics; or
 - (xii) by Colleges of Advanced Education; or
 - (xiii) by the University of New South Wales, the University of Wollongong, the University of Newcastle, or any other University formed from a college of these Universities; or
 - (xiv) in or by the Legislative Assembly and/or Legislative Council of the State of New South Wales; or
 - (xv) by the New South Wales Egg Corporation; or
 - (xvi) by any New South Wales Education Commission or its agents; or
 - (xvii) by any person as an Associate to a Justice; or
 - (xviii) at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunization Centre; or
 - (xix) in or by:
 - The Drug and Alcohol Authority
 - New South Wales State Cancer Council
 - The United Hospitals Auxiliary
 - The Institute of Psychiatry; or
 - (xx) in or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales; or
 - (xxi) in or in connection with the provision of medical services in penal or like establishments deemed or proclaimed to be a prison under the *Prisons Act 1952*, or any Act replacing the said Act; or
 - (xxii) by any employer or at any place of employment replacing any of the foregoing employers or places of employment, as the case may be; or
- C. by any Organisation registered or exempt from registration under the *Charitable Collections Act 1934*, who are graduates or graduands of a recognised University or who hold a diploma of a recognised body and are engaged in any of the following callings or avocations whether as principal or assistance employees or employees in training;
-

Bacteriologist, Pathologist, Medical Scientist, Scientific Officer, Bio-medical Engineer, Physician, Surgeon, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupation Therapist, Music Therapist, Dietitian, Physiotherapist, Chiropodist (or Podiatrist), or Remedial Gymnast, together with such other employees who are engaged or usually engaged in the callings or

avocations of Chiropodist (or Podiatrist) or Remedial Gymnast, whether as principal or assistance employees or as employees in training and who hold a certificate of a Technical College or of any institution deemed by the employer to be of a similar standing; or

D. in regional offices of any Department of State or corporation or body established by statute administering or providing health services in the State of New South Wales including such persons whose employment fulfils a function of a regional nature but who, due to the nature of their duties are not employed within the precincts of that office, and in or by area or community health services (howsoever called) where these area or community health services have replaced services carried on or provided by a person or body referred to in B. above; or

E. by the Home Care Service of New South Wales,

(c) persons eligible for membership of the Health and Research Employees Association of Australia (NSW Branch) who are employed by the employing authority for each of the following hospitals, mental hospitals, hospital dispensaries, medical schools, laboratories, colleges, industrial and other similar homes, ambulance work (including first aid work), general nursing reception homes, sanatoriums, rest homes, which are wholly or partly controlled by the Board of Health, nonresidential special schools and the Universities shall not be eligible to join the Union;

(d) persons engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or in calculating, billing and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men shall not be eligible to join the Union; and

PART V The Union shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittee of the functions, whole or in part of the Hunter Water Corporation; and

PART VI The Union shall consist of:-

(a) Persons of good character who are employed -

(i) on the salaried staff of the Commissioner for Railways; or

(ii) on the salaried staff of the Commissioner for Government Transport; or

(iii) on the salaried staff of the Commissioner for Motor Transport; or

- (iv) on the salaried staff of The Electricity Commission of New South Wales; or
- (v) as salaried staff in connection with air transport;
- (b) Persons who, while being of any class specified in paragraph 1. above and while being members of the Union, are temporarily regressed to the wages staff of the employer;
- (c) Persons who are employed on the staff of the Union and who become and remain members of the Union pursuant to the Rules;
- (d) Persons who become associate life members pursuant to sub-rule (b) of Rule 24 of these Rules, or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and

PART VII Any person who is an employee or officer of the Union is eligible to belong to the Union.

3. OBJECTS

The objects of the Union shall be to promote the interests of the members of the Union in matters relating to their employment, and improve their living standards and quality of life, and without limiting the generality of the foregoing shall include affiliation and/or co-operation with like bodies of unions or associations.

4. REGISTERED OFFICE AND PLACE OF MEETING

- (a) The registered office of the Union shall be at Level 1, 39-47 Renwick Street. Redfern, 2016.
- (b) The place of meeting of the Union shall be the registered office or at any place as determined by the Committee of Management from time to time.
- (c) The place of meeting of a Division shall be the registered office or at any place as determined by the Division Committee of Management from time to time.

5. THE COMMITTEE OF MANAGEMENT

- ~~(a)~~ (i) ~~Committee of Management of the Union shall be responsible for the government of the Union and the enforcement of its Rules and objects and may purchase, lease, sell, mortgage, exchange and otherwise deal with real or personal property for and on behalf of the Union.~~

- (ii) The Committee of Management shall exercise all the powers specially conferred upon it by these Rules, and may exercise all such powers, and do all such acts and things as may be done by the Union.
 - (iii) Without limiting in any way the foregoing, the Committee of Management shall have the power to appoint such employees as considered necessary, to control, manage and invest the funds and property of the Union and to expend funds of the Union in such manner as it determines is appropriate in furtherance of the objects of the Union.
- (b) Membership of the Committee of Management of the Union shall consist of:-
- (i) The President, two (2) Deputy Presidents, Secretary, Deputy Secretary and Treasurer, who shall form the Executive of the Union, and
 - (ii) Vice-President (Airlines), Vice-President (Ports), Vice-President (Social and Community Services), Vice-President (Sydney Water), Vice-President (Transport), two (2) Vice- Presidents (Women), Division Representative (Ports), Division Representative (Social and Community Services), two (2) Division Representatives (Sydney Water), Division Representative (Hunter Water), two (2) Division Representatives (Transport) and Division Representative (Airlines).
- (c) Provided that for the purposes of the quadrennial elections to be held in 2008 and thereafter there shall be two (2) Division Representatives (Social and Community Services).
- (d) The Executive of the Union shall exercise the functions of the Committee of Management between meetings of the Committee of Management. Meetings of the Executive shall be held whenever deemed necessary by the Secretary.
- (e) The term of office of the members of the Committee of Management shall accord with Rule 28.
- (f) Members of the Committee of Management shall hold office subject to the Rules of the Union.

6. INDUSTRY DIVISIONS

- (a) The Committee of Management of the Union shall have the power to establish Industry Divisions of the Union where appropriate.
- (b) The Committee of Management of the Union shall have power to delegate such of its powers to an Industry Division Committee of Management as it thinks necessary and to allocate such funds to an Industry Division Committee of Management as are necessary for the conduct of the affairs of the Industry Division.
- (c) The Secretary and the Deputy Secretary shall be deemed to be ex-officio members of all committees with full voting rights.



- (d) The Union shall allocate all members to one of the following Industry Divisions:-

Ports
Social and Community Services
Sydney Water
Hunter Water
Transport
Airlines

Or such other Industry Divisions that may be established in accordance with these Rules

7. PORTS INDUSTRY DIVISION

The management and administration of the industrial affairs of the Ports Industry Division shall be vested in an Industry Division Committee of Management which shall consist of a President, a Vice-President and two (2) Committee members.

8. SOCIAL AND COMMUNITY SERVICES INDUSTRY DIVISION

- (a) The management and administration of the industrial affairs of the Social and Community Services Division shall be vested in an Industry Division Committee of Management.

(i) The Social and Community Services Division Committee of Management shall consist of the Assistant Division Secretary, President, Vice-President, Women's Officer and Committee Members elected by each Sub-Division together with an additional four (4) Committee members elected by all financial members of the Union employed in the Social and Community Services Industry. All Offices in the Division shall be honorary.

(ii) The Assistant Division Secretary, President and Vice-President shall be elected by all financial members of the Union employed in the Social and Community Services Industry in accordance with these Rules.

(iii) There shall be one (1) Committee member representing each Sub-Division established in accordance with sub-rule (b). Committee members shall be elected by all financial members of the relevant Sub-Division together with an additional four (4) Committee members elected by all financial members of the Union employed in the Social and Community Services Industry.

(iv) The Women's Officer shall be an honorary position elected by all financial women members of the Union employed in the Social and Community Services Industry in accordance with these Rules.

(v) Powers and Duties of the Assistant Division Secretary.



The Assistant Division Secretary shall be responsible to the Secretary and shall assist in the performance of such of the Secretary's duties relating to the Social and Community Services Division as the Secretary may determine.

(vi) Powers and Duties of the Women's Officer.

The Women's Officer shall:

- (A) be responsible to the Secretary;
- (B) attend all meetings of the Division Committee of Management; and

be fully familiar with the affirmative action policy plan and accordingly ensure that these issues are placed appropriately on meeting agendas on all levels of the Union."

(b) Social and Community Services Sub-Divisions:-

(i) Sub-Divisions shall be established in the Social and Community Services Industry Division. Such Sub-Divisions shall be on the basis of either a geographical region or a sector of the social and community services industry.

(ii) A member may be a member of only one (1) Sub-Division of the Social and Community Services Industry Division at any one time.

On joining the Union a member shall be allocated membership of a Sub-Division. Where a Sub-Division does not exist as provided for in these Rules in accordance with a member's place of work or place of residence, then that member shall be allocated to the nearest Sub-Division available.

(iii) The Social and Community Services Industry Division Committee of Management shall, subject to these Rules, establish a standard set of minimum requirements for the Sub-Divisions specifying their function, powers, relationship to the Industry Division Committee of Management and their means of operation. Sub-Divisions shall have a consultative and advisory role only and shall not exercise the powers of the Committee of Management or a Industry Division Committee of Management.

(iv) Only Sub-Divisions which are approved by the Social and Community Services Industry Division Committee of Management shall operate as such within these Rules. The Industry Division Committee of Management shall formally approve Sub-Divisions if they have been formed on the following basis:

-
- (A) not less than ten (10) financial members of the Social and Community Services Industry Division shall sign a written request to the Division Committee of Management for the formation of a Sub-Division, specifying the coverage of the proposed Sub-Division;

- (B) at the first meeting of the Social and Community Services Industry Division Committee of Management after receipt of such a request, the Committee is satisfied that the coverage of the proposed Sub-Division is clear and ensures a better participation of ordinary members, shall call a formation meeting of the members affected. If the Committee refuses the request, it shall notify the applicants in writing outlining the reasons for its decision and informing the applicants that they have twenty one (21) days from the date of notice in which to appeal to the Committee of Management against the decision;
 - (C) an appeal shall be in writing and outline the grounds of appeal. The appeal shall be considered at the next meeting of the Committee of Management immediately following receipt thereof. The Committee of Management shall consider the case put by the applicants and by the Industry Division Committee of Management and shall confirm or overturn the Industry Division Committee of Management's decision. Such decision by the Committee of Management shall be binding;
 - (D) all members within the coverage of the proposed Sub-Division shall be given at least fourteen (14) days notification of the formation meeting, specifying the place, date and hour of the meeting and stating the motions to be voted on. These shall include the following: "That the Industry Division Committee of Management be called upon to approve the formation of the Sub-Division" and "That the Sub-Division shall adopt the standard set of minimum requirements for Sub-Divisions.";
 - (E) the Industry Division Committee of Management shall appoint one of its members to attend the formation meeting and report to the Division Committee;
 - (F) the quorum in the formation meeting shall be eight (8) financial members of the Union eligible to join the proposed Sub-Division. A motion shall be declared carried on the basis of a simple majority of eligible members voting in the affirmative;
 - (G) if the motions contained in paragraph (D) herein are carried, an interim convenor shall be elected from the floor;
 - (H) the Sub-Division gains official standing after approval by the Social and Community Services Industry Division Committee of Management. All members within the coverage of the new Sub-Division shall receive notice of its approval and of the first meeting of the Sub-Division to be held within forty (40) days from the date of approval, including a call for nominations for the offices of the Sub-Division;
-
- (v) (A) The offices of all Sub-Divisions shall be Convenor, Assistant Convenor, Industry Division Committee of Management Member, Proxy Division Committee of Management Member. Nothing in these Rules shall prohibit the same person holding more than one office within the Sub-Division. The term of office for all offices shall be four (4) years.

- (B) At the first meeting of the Sub-Division, elections for all offices shall be conducted by a Returning Officer appointed by the Social and Community Services Industry Division Committee of Management. Elections shall be on the basis of simple majority. The term of office for these positions shall be until the first ordinary elections conducted in accordance with these Rules. Ordinary elections for offices in all Sub-Divisions shall be conducted in accordance with the Rules.

9. SYDNEY WATER INDUSTRY DIVISION

- (a) The management and administration of the industrial affairs of the Sydney Water Industry Division shall be vested in an Industry Division Committee of Management.
- (b) The Sydney Water Industry Division Committee of management shall consist of:
- (i) A President, Vice-President, Treasurer and three (3) Executive Members who shall form the Executive of the Water Division and,
- (ii) Twelve (12) Committee members.

10. HUNTER WATER INDUSTRY DIVISION

- (a) The management and administration of the industrial affairs of the Hunter Water Industry Division shall be vested in an Industry Division Committee of Management.
- (b) The Hunter Water Industry Division Committee of Management shall consist of:-
- (i) A President, Vice-President, Division Secretary and Division Assistant Secretary who shall form the Executive of the Hunter Water Industry Division and,
- (ii) Eight (8) Committee members.
- (c) The positions of Division Secretary and Division Assistant Secretary shall be honorary positions. The Division Secretary and Division Assistant Secretary shall assist the Secretary and carry out the directions of the Secretary.
- (d) The Committee of Management members shall comprise four (4) representatives elected from financial members who are Wages employees and four (4) _____ representatives elected from financial members who are Salaried employees._____

11. TRANSPORT INDUSTRY DIVISION

- (a) The Transport Industry Division shall include members eligible for membership in accordance with Part VI of Rule 2, with the exception of members eligible for membership in accordance with Part VI (a)(v) of Rule 2.
- (b) The management and administration of the industrial affairs of the Transport Industry Division shall be vested in an Industry Division Committee of Management.
- (c) The Transport Industry Division Committee of Management shall consist of a President, Vice-President who shall be the Deputy Industry President, Vice-President (Women), Treasurer and two (2) Executive Members who shall form the executive of the Transport Industry Division together with eight (8) Committee members.
- (d) The Vice-President (Transport) and Transport Division representatives on the Committee of Management shall ex-officio hold the corresponding positions in the Transport Industry Division Committee of Management, all other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of Rule 28 which shall also apply to any election required to fill a vacant position.
- (e) Notwithstanding the above any persons who holds a Committee of Management position ex-officio may, if they wish to nominate for election to a different position in the Transport Industry Division Committee of Management, resign from their ex-officio position without resigning from their office in the Union.

12. AIRLINES INDUSTRY DIVISION

- (a) The Airlines Industry Division shall include members eligible for membership in accordance with Part VI (a)(v) of Rule 2.
- (b) The management and administration of the industrial affairs of the Airlines Industry Division shall be vested in an Industry Division Committee of Management.
- (c) The Airlines Industry Division Committee of Management shall consist of a President, a Vice-President, a Secretary/Treasurer and an Executive member who shall form the Executive of the Airlines Industry Division together with six (6) committee members. All members of the Airlines Industry Division Committee of Management shall be elected by all financial members of the Union employed in the Airlines Industry in accordance with these Rules. Provided that four (4) committee members shall be elected by and from members employed by Qantas Airways Limited (including all fully owned or majority owned subsidiaries) and two (2) shall be elected by and from all members otherwise employed in the Airlines Industry.

13. DUTIES OF OFFICERS

- (a) President



- (i) The President shall preside at all meetings of the Union at which they are present.
- (ii) The President shall preserve order at all meetings, so that business shall be conducted in due form, and with propriety, and upon the Minutes being confirmed shall sign the Minute Book in the presence of the meeting.

(b) Deputy Presidents

Either of the Deputy Presidents shall deputise for the President when the President is absent and either of them shall chair any meetings of the Branch in the absence of the President.

(c) Vice-Presidents and Vice-Presidents (Women)

- (i) The Vice-Presidents shall assist the President and Deputy Presidents at all meetings in connection with the business of the Union and generally assist in carrying out the business of the Union.
- (ii) Where the Deputy Presidents are not available, a Vice-President elected by the Committee of Management, may act as a Deputy President with full powers of a Deputy President.
- (iii) Where neither the President, Deputy Presidents or Vice-Presidents are available the meeting shall elect from those present a member to chair the meeting.

(d) Treasurer

The Treasurer shall:

- (i) Keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by the Union.
 - (ii) Submit to the Committee of Management all accounts for payment and make or cause to be made all authorised payments from the funds of the Union.
 - (iii) Prepare and present or cause to be prepared and presented to each meeting of the Committee of Management an up-to-date financial statement and, when called upon to do so by the President, produce all relevant books in support of same.
-
- (iv) Submit the books, accounts and receipts annually, or as more often as may be required or directed by the Committee of Management, to the Auditor and sit, if required with the Auditor when the Auditor is auditing the books.

(e) Secretary

- (i) The Secretary shall be the Chief Executive Officer of the Union.

- (ii) Between meetings of the Committee of Management and the Executive the Secretary shall conduct and manage the affairs of the Union.
 - (iii) The Secretary shall attend to all business of the Union not specifically provided to be performed by any other officers. The Secretary shall prepare and forward to the Industrial Registrar all returns required by the *Industrial Relations Act 1996* (as amended) and shall attend to all such matters required of the Secretary by the Committee of Management.
- (f) Deputy Secretary
- The Deputy Secretary shall assist the Secretary and carry out the directions and instructions of the Secretary.
- (g) For the purposes of the *Industrial Relations Act 1996* (as amended), all persons employed as Industrial Officers of the Union and all persons elected to the Committee of Management or any Industry Division Committee of Management shall be deemed to be officers of the Union.

14. PROPERTY AND FUNDS

- (a) All property, real or personal, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the Committee of Management except as provided in these Rules.
 - (b) All income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the Committee of Management except as provided in these Rules.
 - (c) The funds shall consist of all real or personal property, all assets, all income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, and shall be under the control, custody, administration and management in all respects of the Committee of Management except as provided in these Rules.
 - (d) The funds of the Union may only be expended for the furtherance of, and in pursuit of the objects of the Union.
 - (e) All orders for the withdrawal of monies including the signing of cheques shall be authorised and signed in accordance with these Rules. All orders for the withdrawal of funds including the signing of cheques shall be signed by any two (2) of the Union's Executive Members.
-
- (f) No honoraria or other remuneration shall be paid to any Officer in the absence of a resolution of the Committee of Management authorising the payment of an honorarium or other remuneration and specifying the amount payable. On the proposal of an honorarium to a person being a member of the Committee of



Management, that person shall withdraw from the meeting while the honorarium is discussed.

- (g) The custody of books, documents and securities of the Union shall vest in the Secretary.

15. WELFARE AND EMERGENCY FUND - SYDNEY WATER WAGES

- (a) There is to be a fund called the Sydney Water Wages Division - Welfare and Emergency Fund (hereinafter in this Clause referred to as 'The Fund') to promote the welfare of the members of the Sydney Water Industry Division in accordance with the objectives of the Union as set out in Rule 3.
- (b) Membership of the Fund will be limited to those persons who were financial members of the Water and Sewerage Employees' Union on 30 June 1991 and who remain financial members of the Union.
- (c) The Fund shall exist separately and independently of any other welfare fund which is or may be created in accordance with these Rules.
- (d) The administration of the Fund shall be vested in a Sub-Committee of the Sydney Water Industry Division Committee of Management comprising all members of the Committee who are members of the Fund.
- (e) The Fund shall be held as a separate account in the books of the Union and the assets of the Fund shall be used as authorized by Rule 14.
- (f) All costs and expenses incurred in the management of and administration of the Fund including the cost of employing any staff shall be paid out of the assets of the Fund.

16. ATOA FUND

- (a) This rule shall apply notwithstanding any other provisions contained in these Rules.
- (b) There is to be a fund known as the ATOA Fund to promote the welfare and industrial interests of members eligible to be members of the Union in accordance with Part VI of Rule 2.
- (c) The ATOA Fund shall initially consist of those assets referred to in Clause 8 of the Memorandum of Understanding entered into between the Union and the Australasian Transport Officers Association in 2003.
- (d) The ATOA Fund shall exist separately and independently of any other fund which is or may be created in accordance with these Rules.

- (e) The ATOA Fund shall be administered and controlled by the ATOA Fund Committee which shall consist of the Executive of the Transport Industry Division together with a member of the Airlines Industry Division Committee of Management nominated from time to time by that Committee.
- (f) The ATOA Fund shall be administered and controlled by the ATOA Fund Committee solely in accordance with the following objects:
 - (i) To promote the industrial and other interests of those members referred to in sub-rule (b) hereof, including in relation to their employment, welfare, standards of living and job security;
 - (ii) To promote the interests of the transport industry, and to influence employers and governments on matters concerning the future direction of the industry;
 - (iii) To establish, maintain and/or assist any body concerned with research and/or advocacy regarding industrial, economic, social, legal and public policy matters affecting those members referred to in sub-rule (b) hereof;
 - (iv) To invest funds; and
 - (v) To operate the holiday units located at Forster in the State of New South Wales.

To avoid doubt, it is declared that the above objects extend to the promotion of the industrial and other interests of persons employed in the transport industry in the State of New South Wales who are members of the Australian Municipal, Administrative, Clerical and Services Union, the kindred federal organisation to this Union referred to in Rule 17(g) of these Rules.

- (g) Any asset of the ATOA Fund which is real property:
 - (i) may be leased, encumbered or sold but only following the decision of or with the consent of the ATOA Fund Committee; and
 - (ii) where the ATOA Fund Committee decides to lease, encumber or sell such asset, or allow such leasing, encumbrance or sale, the officers of the Union shall provide such cooperation and assistance to the ATOA Fund Committee as is necessary to ensure that the intentions of the ATOA Fund Committee on that matter are perfected provided that where any such real property is sold, the proceeds of the sale shall be applied by the ATOA Fund Committee in accordance with the objects contained in sub-rule (f) hereof.
- (h) The ATOA Fund Committee may apply any part of the ATOA Fund to the purchase of real property, either freehold or encumbered, and when the ATOA Fund Committee so decides, the officers of the Union shall provide such cooperation and assistance to the ATOA Fund Committee as is necessary to ensure that its decision is perfected.



- (i) The ATOA Fund Committee shall take such steps, including obtaining such professional advice as is needed, to protect and preserve and where possible, enhance the value of the ATOA Fund.
- (j) To avoid doubt, the ATOA Fund is empowered to expend so much of the ATOA Fund from time to time as may be reasonably required to administer, control and apply the ATOA Fund in accordance with the objects contained in sub-rule (f) hereof.

17. SUBSCRIPTIONS

- (a) The Committee of Management may determine by resolution annual subscription rates taking into account hours worked, adult and junior status and equity between Industry Divisions.
- (b) Payment of subscriptions may be paid:-
 - (i) annually in advance on the first day of July in each year, or
 - (ii) by half yearly instalments in advance on the first days of July and January in each year, or
 - (iii) by quarterly instalments in advance on the first days of July, October, January and April of each year, or
 - (iv) by payroll deduction, or
 - (v) by transfer from an account at a financial institution.
- (c) Payment of subscriptions by payroll deduction may be made where a member has authorised an employer to deduct the subscription from the member's salary or wage and the employer has agreed to make such deduction and regularly submit the subscription to the Union.
- (d) The Committee of Management may, in special circumstances waive subscriptions and/or arrears of subscriptions.
- (e) In relation to subscriptions received from members of the Welfare and Emergency Fund – Sydney Water Wages in accordance with sub-rule (b) an amount equal to \$0.50 a week per member shall be set aside to the Welfare and Emergency Fund – Sydney Water Wages.
- (f) Associate members shall pay an amount equal to twenty (20) per cent of the full time adult subscription. Where more than one such subscription exists the Committee of Management shall determine the appropriate subscription rate.
- (g) The Committee of Management may, notwithstanding the subscriptions prescribed by this Rule, provide for membership to be free of cost or to be at some lower cost to members who are also members of a kindred organisation, namely the Australian



Municipal, Administrative, Clerical and Services Union, an organisation registered pursuant to the *Workplace Relations Act 1996* (Cth) (as amended).

18. UNFINANCIAL MEMBERS

- (a) Only financial members may obtain benefits available under these Rules.
- (b) Any member being thirteen (13) weeks in arrears of subscriptions, fines or levies, shall be considered unfinancial, and shall not be eligible to vote nor take part in any proceedings at the meetings of the Union, nor to vote on any resolution before the Union, nor on any election of officers. Provided specially that any member unfinancial may be allowed full membership rights on prior payment of the full amount of indebtedness to the Union.
- (c) Any member who is in arrears of subscriptions, fines or levies, shall be liable to be sued, subject to the provisions of the *Industrial Relations Act 1996* (as amended).

19. LOANS, GRANTS OR DONATIONS

Notwithstanding anything contained elsewhere in these Rules a loan, grant or donation exceeding \$1,000.00 shall not be made by the Union unless the Committee of Management has:-

- (a) satisfied itself
 - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) approved the making of the loan, grant or donation.

20. AUDITOR

- (a) The Auditor who shall be a registered company auditor shall be appointed by the Committee of Management and shall only be removed by resolution of the Committee of Management passed by absolute majority.
- (b) ~~The Auditor shall make a careful inspection of all books and vouchers and accounts of the Union annually and report to the members the financial state thereof.~~
- (c) The annual audit shall be made as at 30th June of each year.



- (d) The Auditor may only be removed by the Committee of Management for misconduct, negligence, the Auditor resigning or otherwise being unable to carry out the functions of the Auditors. The Committee shall then appoint a replacement auditor.

21. ADMISSION

- (a) An applicant for membership of the Union shall forward to the Secretary a signed application for membership in the Union.
- (b) Every application for admission to the Union shall be on a form prescribed by the Committee of Management.
- (c) Applications for membership shall be considered by the Secretary when received, and unless referred by the Secretary to the next meeting of the Committee of Management the applicant shall be and be deemed to be a member of the Union as from the date of the receipt of the application by the Secretary.
- (i) An application for membership referred by the Secretary to the Committee of Management shall be considered by the Committee of Management which may accept, reject or defer the application. If accepted, the applicant shall be and be deemed to be a member in accordance with this sub-rule (c).
- (ii) The Committee of Management may reject an application for membership only where it is considered that the applicant does not by the nature of their occupation or employment fall within the provisions of Rule 2. Constitution, or that the applicant is considered to be of general bad character.
- (d) Subject to the provisions of the *Industrial Relations Act 1996* (as amended) any application for membership of the Union from a person who previously has resigned from or been expelled from the Union shall be conditional on the payment of any monies owing by the applicant to the Union and subject to the approval of the application by the Committee of Management.
- (e) An applicant for membership shall be advised in writing of the financial obligations arising from membership and the circumstances and manner in which a member may resign from the Union.

22. RESIGNATIONS

- (a) A member may resign their membership of the Union by notice in writing if:
- (i) The member ceases to be employed in or in connection with the industry of the Union; or
- (ii) (A) The notice is given not less than three (3) months before the resignation is to take effect and payment is made of all subscriptions, fines and levies owing by the member to the Union under these Rules to the date on which the resignation is to take effect.



- (B) Notice of resignation shall be addressed to the Secretary and delivered to that officer.
 - (C) Subject to the provisions of the *Industrial Relations Act 1996* (as amended) any member resigning under paragraph (i) hereof shall be liable for the payment of all subscriptions, fines and levies owing by the said member to the Union under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union.
- (b) Any subscription paid by a member in respect of a period beyond the end of the quarter in which their notice of resignation expires shall be remitted to them if so requested and a member who pays their annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which their notice of resignation expires and a member on leaving the industry as herein before mentioned shall be entitled to the same remission.
 - (c) A member who ceases to be eligible for membership of the Union in accordance with these Rules shall cease to be a member of the Union.

23. REGISTER OF MEMBERS

The Secretary shall compile and keep at the registered office of the Union a register of members of the Union arranged according to the Divisions of the Union.

24. LIFE AND ASSOCIATE MEMBERSHIP

- (a) Any member or former member may, by resolution of the Committee of Management, be elected an Honorary Life Member of the Union for valuable and distinguished service. An Honorary Life Member shall not be entitled to vote at elections or meetings of the Union or to hold office in the Union unless such person is otherwise entitled to such rights and privileges under these Rules as a financial member of the Union.
- (b) (i) A life member allocated to the Transport or Airlines Industry Divisions whose life membership terminates upon the life member ceasing to be an employee of an employer of the classes of persons within paragraphs (a) and (b) of Part VI of Rule 2 (the "Service") or of the Union, shall thereupon be an associate life member of the Union.
- (ii) The Committee of Management may confer associate life membership of the Union upon a person allocated to the Transport or Airlines Industry Divisions:
 - (A) who has ceased to be an employee of the Service or of the Union by reason of retirement from employment on the ground of age or ill-health; and



- (B) who was a financial member of the Union when the person ceased to be an employee as aforesaid; and
 - (C) who had served as an officer of the Union or in an official seat of the Union or as a member of a Industry Division Committee of Management.
- (iii) An associate life member shall be obliged to pay all moneys due and owed by the member to the Union up to the date when the member ceased to be an employee of the Service or of the Union, but thereafter is not obliged to pay to the Union any money. An associate life member may attend any meeting of the Branch to which the member is allocated and shall be entitled to speak upon any matter under discussion at the meeting, but shall not be entitled to move or second any motion or amendment to a motion or to vote thereon, and shall not be eligible to be a candidate for election to any office or official seat or as a member of the Industry Division Committee of Management or to vote at any such election; otherwise, an associate life member shall be entitled to all the rights and privileges and shall be subject to all the obligations of membership.
- (c) Any member who ceases to be eligible for membership may apply to become an associate member of the Union. An associate member shall not be entitled to vote at elections or meetings of the Union or to hold office in the Union but shall otherwise be bound by the Rules of the Union.

25. SUSPENSION AND REMOVAL FROM OFFICE

- (a) Any member of the Committee of Management or Industry Division Committee of Management can be suspended or removed from their office if the person has been found guilty in accordance with this Rule of:
- (i) misappropriation of the funds of the Union, or
 - (ii) a substantial breach of the Rules of the Union, or
 - (iii) gross misbehaviour or gross neglect of duty.
- (b) Any charge against an office holder shall be in writing and presented to the Secretary of the Union clearly indicating the nature of the offence alleged to have been committed by that office holder.
- (c) On receipt of such charge or charges the Secretary shall then summon a Special Meeting of the appropriate and relevant Committee to consider the charge or charges.
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- (d) At a meeting called for that purpose any member so charged shall be afforded every opportunity to state their case and may cross examine the member charging them. The member so charged may call witnesses on their own behalf and may give any explanation as to their conduct that the member sees fit.

- (e) If the member fails to attend the meeting after being given reasonable notice to attend the matter may be dealt with notwithstanding their absence.
- (f) In the case of a Industry Division Committee after consideration of the charges finding the charge proven it shall have the power to recommend to the Committee of Management the suspension or removal of the member who in turn will determine whether or not the suspension of the member is to be endorsed.

26. MISCONDUCT OF MEMBERS

- (a) Any member of the Union believing that any other member has been guilty of a breach of these Rules or of disobeying a resolution, decision or directive of the Committee of Management, the Executive, a General Meeting, or an Industry Division Committee of Management or an Industry Division Executive, shall have power to call upon such member to show cause to the Committee of Management why they should not be penalised by the Union for misconduct.
- (b) Any member causing a quarrel, using abusive or insulting language or willfully interrupting the business of the meeting in any way, shall be liable to a fine not exceeding \$20, and should they persist in their disorderly behaviour they shall be removed from the meeting at the discretion of the Chairperson, if necessary by force, and their conduct referred to the Committee of Management.
- (c) A member called upon to show cause under sub-rule (a) or whose conduct is referred to the Committee of Management under Sub Rule (b) shall be given at least seven (7) days notice of the hearing of the charge. The Committee of Management shall have power to investigate the charges and penalise a member found guilty of misconduct under this Rule by fine and/or suspension or expulsion.
- (d) Where the Committee of Management finds a member not guilty of misconduct then the Committee of Management shall be empowered to reimburse that member for all reasonable out of pocket expenses not including legal costs incurred by the member in defending their case.

27. MEMBERS' GRIEVANCES

Any member having a grievance against an officer of the Union shall clearly state the nature of the complaint in writing, then the Committee of Management shall consider same, and if satisfied of the bona fides thereof shall direct the Secretary to take steps necessary to secure a redress.

28. ELECTIONS



(a) Elections shall be held for members of the Committee of Management and for members of all Divisional Committees of Management every four (4) years commencing with the elections occurring in 2004.

(b) Eligibility of Candidates

(i) Only members of the Union who are financial members to and by the end of the month preceding the calling of nominations, and have been continuously financial for twelve (12) months immediately preceding that date, shall be eligible to be nominated for any office within the Union. For the purposes of this sub-rule, financial membership of an organisation whose members have, by means of an amalgamation, become members of the Union, shall be counted in the calculation of any period of membership.

(ii) In addition to the qualifications set out in paragraph (i) above, the following additional qualifications shall apply in order to be nominated for office, in respect of the offices set out herein:

<u>OFFICE</u>	<u>ELIGIBILITY</u>
Vice-President (Airlines)	Any member allocated to the Airlines Industry Division
Vice-President (Ports)	Any member allocated to the Ports Industry Division
Vice-President (Social and Community Services)	Any member allocated to the Social and Community Services Industry Division
Vice-President (Sydney Water)	Any member allocated to the Sydney Water Industry Division
Vice-President (Transport)	Any member allocated to the Transport Industry Division
Vice-President (Women)	Any female member
Division Representatives (Airlines)	Any member allocated to the Airlines Industry Division
Division Representatives (Hunter Water)	Any member allocated to the Hunter Water Industry Division
Division Representatives (Ports)	Any member allocated to the Ports Industry Division
Division Representatives (Social and Community Services)	Any member allocated to the Social and Community Services Industry Division



Division Representatives (Sydney Water) Any member allocated to the Sydney Water Industry Division

Division Representatives (Transport) Any member allocated to the Transport Industry Division

- (iii) In addition to the qualifications set out in paragraph (i) above, only members allocated to an Industry Division pursuant to these Rules shall be eligible to be nominated for offices within that Industry Division Committee of Management; provided that where the office to be elected is one representing a specified section or Sub-Division of members then only members from within that section or Sub-Division shall be eligible to nominate.

(c) Eligibility to Vote

- (i) For the purpose of an election, the books of the Union shall be deemed to have closed on the last day of the month immediately preceding the date of calling of nominations, and only members shown in the records of the Union on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.
- (ii) All financial members to and by the end of the month preceding the calling of nominations shall be eligible to vote for the offices of President, Deputy Presidents, Treasurer, Secretary and Deputy Secretary.
- (iii) All financial female members to and by the end of the month preceding the calling of nominations shall be eligible to vote for the offices of Vice-Presidents (Women).
- (iv) For the election of the offices of Vice-President (Airlines), Vice-President (Ports), Vice-President (Social and Community Services), Vice-President (Sydney Water) and Vice-President (Transport); which can only be filled by a member of the Industry Division to which the particular office relates, all financial members to and by the end of the month preceding the calling of nominations allocated to the particular Industry Division to which the office relates shall be eligible to vote for the office.
- (v) All financial members to and by the end of the month preceding the calling of nominations allocated to each Industry Division shall be entitled to vote for representatives on the respective Industry Division Committee of Management; provided that where the office is one representing a specified section or sub division of members then only financial members from within that section or Sub-Division shall be eligible to vote.

- (d) In the case of elections for the Union and Industry Division Committees of Management the Secretary of the Union shall apply in writing to the Industrial Registrar requesting the Industrial Registrar to arrange for the conduct of any election in the year elections fall due. The Returning Officer shall call for nominations



on the first Wednesday in March in the year the elections fall due by advertisement in a daily paper circulating throughout New South Wales.

- (e) The notification for nominations shall list the positions to be elected, and indicate that nominations shall close twenty one (21) days after they are called.
- (f) All candidates must be nominated by two (2) members of the Union who are financial members to and by the end of the month preceding the calling of nominations, with the candidate's consent in writing. Where the Returning Officer conducting an election finds a nomination to be defective they shall, before rejecting the nomination, notify the person concerned in writing of the defect and give that person an opportunity of remedying the defect, provided that no defect shall be remedied after the close of nominations.
- (g)
 - i. A group of eligible members may nominate as members of a "Team Nomination" which must have a name.
 - ii. The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive of any other way.
 - iii. In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
 - iv. If, in the view of the Branch Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch Returning Officer must:
 - (a) Approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch Returning Officer thinks necessary; and
 - (b) If such changes are not made, decide whether to accept the Team Nomination.
 - v. A Team Nomination must nominate an eligible person (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
 - vi. A Team Nomination must be in writing and signed by each candidate.
- vii. No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- viii. The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.



- ix. In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the Returning Officer must be notified of the change before the time and date set by the Returning Officer for the sending of the ballot paper to the printer for printing.
 - x. The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member."
- (h) (i) After nominations close, in any position where a ballot is necessary it shall be a secret postal ballot. The Returning Officer shall conduct the ballot by compiling a list of members certified by the Secretary as entitled to vote. A roll shall be prepared by the Returning Officer which shall be available for inspection by any member having an interest in the ballot. The ballot shall open no later than four (4) weeks after the close of nominations, and shall close twenty-one (21) days thereafter.
- (ii) Where no nominations are received for a position that position shall be treated as a vacancy in accordance with Rule 29.
- (iii) If there is at least one Team Nomination the ballot paper must have two parts divided by a horizontal line.
- (iv) (a) The position of all candidates names and Team Nomination names on the ballot paper shall be determined by drawing lots.
- (b) The name of the incumbent person (if any) shall be indicated by an asterisk.
- (v) The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in two ways:
- (a) By completing the first part of the ballot paper (voting "above the line"), by voting each member of a Team Nomination by marking a Team Box with a cross ("X") in which case only one Team Box should be marked; or
- (b) By completing the second part of the ballot paper (voting "below the line"), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the elections with a cross ("X"), in respect of the positions for which an election is being conducted.
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- (c) If there are not two parts to the ballot paper, the instructions referred to in paragraph (b) hereof shall appear on the ballot paper with the necessary changes.

- (vi) The ballot papers must also contain:
 - (a) The date and time of closing of the ballot; and on the first part:
 - (b) The name of each Team Nomination; and
 - (c) Boxes beside the names of the Team Nominations;but otherwise be unmarked in that part.
- (vii) The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
 - (a) The name of the position being elected;
 - (b) The name of each candidate, as each name appears on the nomination form, for election to the position;
 - (c) The name of the Team Nomination of each candidate (where applicable);
 - (d) Boxes beside the names of the candidates.
- (viii) A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- (ix)
 - 1. Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
 - 2. If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.
- (x) In the event of there being a tie a candidate who, at the date of nominating, holds the office in question shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.
- (i) The Returning Officer shall declare the results of the election:
 - (i) Where the number of candidates for all offices to be elected in the same election do not exceed the number of offices to be filled, fourteen (14) days after the close of nominations.
 - (ii) Where a ballot is necessary for all or some of the offices to be elected in the same election, seven (7) days after the close of the ballot.

- (j) A candidate declared elected pursuant to sub-rule (h) of this Rule shall take up office on the declaration of that candidate's election.

28A. APPOINTMENT OF COMMITTEE OF MANAGEMENT

- (a) Notwithstanding any other provision of these Rules, including Rule 28, the following provisions of this rule shall apply to elections for the Committee of Management, commencing from the election to be held in 2008.
- (b) For the purposes of this rule, the following definitions shall apply:
- (i) 'Federal Organisation' shall mean the Australian, Municipal, Administrative, Clerical and Services Union, being an organisation of employees registered under the Workplace Relations Act 1996 (Cth) or any Act replacing that Act.
 - (ii) 'Federal Branch' shall mean the New South Wales and ACT (Services) Branch of the Federal Organisation.
- (c) Each of the persons elected from time to time to offices in the Branch Executive of the Federal Branch shall, if the Registrar is satisfied of the matters referred to in subparagraphs (i) and (ii) of this sub-rule, be taken to be validly elected to the corresponding office in the Committee of Management of the Union, provided that:
- (i) at least three (3) months prior to the commencement of the election for the Committee of Management, the Secretary shall provide to the Industrial Registrar a Statutory Declaration stating, if it be the case, that apart from members employed in the Australian Capital Territory, the membership of the Federal Branch and the Union is substantially similar; and
 - (ii) at the same time, the Secretary shall attach to the Statutory Declaration a true copy of the Rules of the Federal Organisation relating to the election of the offices in the Branch Executive of the Federal Branch that are applicable, which verify that the Rules comply substantially with the requirements relating to the election of the holders of offices under the Industrial Relations Act 1996 (NSW).
- (d) A person who resigns from office in the Federal Branch shall forthwith cease to hold the corresponding office in the Union.
- (e) In the event that the Committee of Management election is not conducted in accordance with this Rule, then the provisions of Rule 28 shall apply to the election.

29. CASUAL VACANCIES

- (a) A casual vacancy shall occur in any office within the Union, where the holder of an office dies, resigns, is removed from office or ceases to hold office in accordance with the Rules.



- (b) Where a casual vacancy occurs and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, whichever is the greater, the vacancy shall be filled by election in accordance with Rule 28.
- (c) Where a casual vacancy occurs and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled as follows:-
 - (i) Committee of Management - the Committee of Management may appoint by resolution an eligible member to the office for such unexpired portion of the term.
 - (ii) Industry Division Committees of Management - the relevant Industry Division Committee of Management may appoint by resolution an eligible member to the office for such unexpired portion of the term.
- (d) Any office holder who absents themselves for three (3) consecutive meetings of the relevant Committee of Management or Industry Division Committee of Management without leave of absence or a suitable apology being tendered and accepted by the meeting shall vacate their offices.

30. MEETINGS

(a) Annual General Meeting

The Committee of Management may determine that an Annual General Meeting of the Union be held in addition to Annual General Meetings of Industry Divisions. Where an Annual General Meeting is to be held then:

- (i) Members shall be given at least seven (7) days notice of such meeting.
- (ii) Any financial member shall be entitled to submit a notice of motion for consideration by the Annual General Meeting which shall be included in the notice of the meeting distributed to the members, provided that such notice of motion shall be submitted to the Secretary no later than 30 June in each calendar year.

(b) Special General Meetings

At the written requisition of not less than ten (10) per cent of its membership, which requisition shall clearly state the business to be considered, the Secretary shall call a Special General Meeting of the Union and shall cause the same to take place within one (1) month of the date of the receipt of such requisition.

- (i) Where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.
- (ii) Members shall be given at least seven (7) clear days notice of such a meeting.

(iii) The notice shall contain notice of the business to be dealt with at the meeting.

(c) General Meetings

The Committee of Management may call a General Meeting of the Union for such purpose as it determines.

(d) Consultation of the Membership

The Secretary may call a meeting of members of the Union or of a part thereof to consider matters affecting the members of the Union or that part thereof to obtain the views of the members on the matter or matters to be considered.

(e) Voting at meetings of the Union

(i) Any member of the Union unable to attend an Annual General Meeting, a Special General Meeting or a General Meeting or other meeting convened pursuant to this Rule may appoint another member of the Union to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one (1) proxy at any meeting.

(ii) At Annual General Meetings, Special General Meetings or General Meetings or other meetings convened pursuant to this Rule each member shall have one (1) vote. Voting shall be by show of hands, except in such cases as the meeting shall decide otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these Rules.

(f) The Committee of Management shall meet at least every three (3) months or at such other times as determined necessary by the Secretary.

(g) All Committee of Management meetings shall be summoned by the Secretary by notice in writing or by such other means as are reasonable in the circumstances. Notice of the meeting should be no less than seven (7) days unless the circumstances warrant lesser notice.

(h) All Industry Division Committee of Management meetings shall be summoned by the Secretary by notice in writing or by such other means as are reasonable in the circumstances. Notice of the meeting should be no less than seven (7) days unless the circumstances warrant lesser notice.

(i) Meetings of the Executive or Committee of Management or Industry Division Executive or Industry Division Committee of Management may be conducted by telephone, radio or any other method by which members of the respective Executive or Committee are able to communicate with each other without being physically present.

(j) The Secretary may, after consultation with the President, submit a motion or question by letter or facsimile or electronic mail to each member of the Committee of



Management. Upon a majority vote being received by letter or facsimile or electronic mail within twenty one (21) days, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Committee of Management passed at a duly constituted meeting. If no majority vote is received within twenty one (21) days the motion or question shall be considered lost.

31. QUORUMS

- (a) (i) At all General Meetings of the Union except those called in accordance with Rule 30(b) or an Industry Division (except the Hunter Water Industry Division) twenty-five (25) members shall form a quorum.
- (ii) At all Special General Meetings of the Union two hundred and fifty (250) members shall form a quorum.
- (iii) At all General Meetings of the Hunter Water Industry Division fifteen (15) members shall form a quorum.
- (b) Should a quorum not be present within thirty (30) minutes after the time for which the General Meeting was called the meeting shall lapse and the business of the General Meeting shall be referred to the Committee of Management or the relevant Division Committee of Management for determination.
- (c) At all meetings of the Committee of Management or Industry Division Committees of Management or the Executive of the Union or an Industry Division a quorum shall be constituted by a majority of the persons eligible to attend the meeting.
- (d) Should a quorum not be present within thirty (30) minutes after the time for which the Executive or Committee meeting was called those present shall form an administrative committee to deal with the business of the meeting. All decisions of the administrative committee will be subject to the endorsement of the next scheduled Committee meeting.

32. STANDING ORDERS

The following order of procedure shall be adhered to as far as practicable at all meetings of the Union.

- (a) The Chairperson shall take the Chair at the hour appointed for the meeting and upon ascertaining that a quorum is present shall then declare the meeting open for the transactions of business. In the event of no quorum being present within the time prescribed, the Chairperson shall proceed in accordance with the appropriate Rule.
- (b) Roll call and apologies.

- (c) Reading of Minutes. Minutes shall be presented for confirmation, but no discussion shall be allowed except as to their accuracy as a record of the proceedings.
- (d) Business arising out of Minutes.
- (e) Nomination and election of new members and of office-bearers if necessary.
- (f) Communications, letters, etc., which shall be held to be received unless a contrary motion is carried. Communications not received shall not be discussed. Outward communications shall be read and dealt with as necessary.
- (g) Financial statements and accounts to be passed.
- (h) Reports.
- (i) Adjourned business.
- (j) Formal Motions. Formal motions shall be those of which notice has been given and which the meeting agreed to take without discussion.
- (k) Debatable Motions.
- (l) General Business and any other matters which may be arranged from time to time.
- (m) Notices of Motion. Every member on giving notice of motion shall read it aloud and give to the Secretary a copy of such notice, together with their name and the meeting at which it is proposed to bring on such notice. Notice of motion shall only be required for the rescission or alteration of an Industry Division or Sub-Division Rules, Standing Orders, Rules of Debate, or some previous resolution. No notice entered on the notice paper shall be proceeded with unless the member who has given such notice or some person authorised by the member in writing to move the motion be present when the business is called in its order. Notices not proceeded with shall be struck out.
- (n) No new business shall be taken later than 10 p.m. unless an extension of time be granted by the meeting prior to that hour.

33. RULES OF DEBATE

- (a) The President, or in the case of an Industry Division, the Industry Division President, shall, when available, preside over all meetings of the Union or the Industry Division. In the absence of the President, the Deputy President or a Vice-President shall so act.
- (b) In the event of the above being absent the meeting shall appoint a Chairperson from those assembled.

- (c) No discussion shall be allowed except on motion or amendment duly proposed and seconded.
- (d) Any member desiring to propose a motion or amendment or to discuss any matter under consideration must address the Chair. No member shall address the meeting unless called by the Chairperson.
- (e) When the Chairperson speaks during a debate the member then speaking or offering to speak shall cease so that the Chairperson may be heard without interruption.
- (f) The Chairperson shall call to order any speaker who departs from the question or who violates the courtesies or Rules of debate.
- (g) Should the Chairperson desire to take part in a debate at any meeting they shall vacate the Chair for the time being and another Chairperson shall be appointed in accordance with sub-rule (b) above.
- (h) All questions shall be determined in the following manner:
 - (i) The mover of the motion shall have five (5) minutes at the time of moving it to present argument in support of the motion and five minutes to reply, which must be limited to answering of arguments advanced against the motion.
 - (ii) The seconder of such motion and all other speakers shall be limited to five (5) minutes.
 - (iii) The meeting on motion without debate may extend the time of any speaker, such extension of time shall not exceed five (5) minutes. The meeting may agree to further extensions on the same basis.
 - (iv) The Chairperson shall call attention to the time of all speakers one (1) minute before such time expires. Motions for extensions may be made when the Chairperson so calls but not later.
 - (v) After the motion has been moved and seconded, no more than two (2) members shall speak in succession on one side, either for or against any question before the meeting. If at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall at once be put to the meeting, subject to sub-paragraph (i) herein.
 - (vi) All votes at Meetings shall be subject to the following:
 - (A) The Chairperson shall read the motion and determine the question on the voices, provided that the Chairperson may call for a show of hands.
 - (B) The Chairperson shall then declare the question carried or lost.
 - (vii) In the event of a motion being carried or lost by a narrow majority, any three (3) members may demand a division. On a division being called for, those in favour shall go to the side of the room on the Chairperson's right and those



against to the left and the number on each side shall be counted and the number of voters each for and against shall be recorded in the Minutes.

- (i) (i) At any time during debate on any motion it shall be competent for any member who has not spoken to the motion to move an amendment. All amendments must be seconded. Motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place. Provided that the effect of any proposed amendment is not to establish a direct negative to the question contained in the motion.
- (ii) Only one amendment shall be received at a time and such amendment must be disposed of before any further amendment is moved. All amendments shall be put before the original motion.
- (iii) The mover of an amendment shall not have the right of reply.
- (iv) Should an amendment be carried it becomes the substantive motion and thereon an amendment may be proposed. If however, no further amendment be proposed the amendment which has become the substantive motion shall be put without further debate subject to the mover of the original question having the right of reply.
- (j) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion shall speak more than once on the question unless by way of personal explanation or with the consent of the meeting. Where an amendment or amendments are proposed then a member may speak for or against the motion and for or against any amendment which is proposed.
- (k) Any member who thinks they have been misrepresented by a speaker may by the indulgence of the meeting interrupt the speaker to correct the misstatement, but they must not enter into argument.
- (l) It shall be competent at any time during a debate for a member who has not spoken to the motion to rise and move "That the question be now put" but no discussion shall be allowed thereon. If this motion be duly seconded and carried, the Chairperson shall forthwith call upon the member (if any) who may have the right of reply, and immediately following such reply the Chairperson shall put the question, which shall include the amendments (if any) which have been moved, or of which notice has been given.
- (m) No motion upon any other subject shall be submitted until the one before the Chair is disposed of as prescribed in sub-rule (l) of these Rules of Debate.
- (n) Should any question have occupied the attention of the meeting for twenty (20) minutes, the discussion on such question shall be deemed to have closed and the Chairperson shall forthwith call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.
- (o) A motion may be dealt with by:



- (i) Adoption as moved.
- (ii) Rejection as moved.
- (iii) Adoption after amendment of the subject matter.
- (iv) Any of the following motions which will be in order whether a motion or motion with amendments, shall be before the meeting:
 - (A) "The Order of the Day", i.e., that the next business as order be now taken;
 - (B) Postponement of the question, either to a definite time or a time to be fixed;
 - (C) Reference to a Committee.
 - (D) Adjournment:
 - (1) of the Debate;
 - (2) of the Meeting.
- (p) A motion for adjournment may be moved and seconded at any time during the meeting. The motion may be debated provided that not more than two (2) speakers be allowed both for and against the motion (including the mover and seconder). There shall be no right of reply for the mover of the motion for adjournment. Such adjournment shall follow if carried by a majority of members present. A second motion for adjournment shall not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.
- (q) Any member may at any meeting give a notice of motion to be moved at a future meeting by handing a copy thereof to the Secretary. Such notice of motion shall take precedence in the order in which it stands in the Minute Book, in relation to other similar notices, and it shall lapse if the member or some other member authorised in writing to move the motion on his/her behalf be not present when the order of the day for such notice is read.
- (r) Questions of order shall be decided by the Chairperson, whose ruling shall be final unless challenged by a formal motion submitted to the meeting.
- (s) Any member may rise to a point of order when they deem the Rules of Debate to have been violated. They must submit the "Point of Order" to the Chairperson, who shall decide the question as prescribed in sub-rule (r) of these Rules of Debate. Upon the question of the order being raised, the member addressing the meeting at the time shall take their seat and shall remain seated until "Point of Order" has been decided.
- (t) A report of a Committee officially presented shall be received without motion; but the adoption of such report in total or by clauses shall be moved and seconded.



- (u) It shall be competent for any member to move the reconsideration of a resolution that has been passed by a meeting, provided that notice was given at a previous meeting.
- (v) It shall be competent for any member to propose that any subject shall be considered in a committee of the whole meeting. The vote on such proposition when seconded shall then be taken without discussion.
- (w) Any Standing Orders or Rule of Debate contained herein may be suspended by the vote of the majority of the members present at the meeting.
- (x) Rulings given by the Chairperson on any question may be subject to motion calling to disagree with any ruling. On the motion becoming seconded, the Chairperson shall vacate the Chair which shall be taken by the Deputy President or a Vice-President.
- (y) No motion to dissent from the Chairperson's ruling shall be permitted unless it be made before any other business or speech has intervened.
- (z) The procedure to determine the motion shall be as follows:
 - (i) The member moving the motion shall be given five (5) minutes to support the motion.
 - (ii) The Chairperson shall be given five (5) minutes to defend his/her ruling.
 - (iii) The acting Chairperson shall then put the question and on the question being determined the Chairperson shall resume the chair.

34. SEAL

The Union shall have a seal and such seal shall be kept at the registered office of the Union and shall be affixed to any document required to be sealed upon resolution of the Committee of Management by the Secretary and the President or in the President's absence a Deputy President or a Vice-President.

Any documents not required to be executed under seal shall be executed in such manner as the Committee of Management determines from time to time.

35. ALTERATION TO RULES

- (a) (i) Except as provided in this Rule, the Committee of Management may alter, ~~repeal or make new Rules provided that notice of any proposed alteration,~~ repeal or new Rule is notified in writing to the Secretary twenty-one (21) days prior to the date of the Committee of Management Meeting at which the proposed alteration, repeal or new Rule will be considered.
- (ii) The Secretary shall, upon receipt of such notification of alteration, repeal or new Rule, advise the Committee of Management and place the matter on the

Agenda for the next subsequent meeting of the Committee of Management. The Secretary shall place on the agenda any notification of alteration, repeal or new Rule which, in the view of the Secretary, the Committee of Management may be advised to consider at the next the Committee of Management meeting.

- (iii) In the event that the Committee of Management resolves pursuant to this Rule to alter, repeal or make new Rules, the Secretary shall take all steps required pursuant to the *Industrial Relations Act 1996* (as amended) to make Application for the Rule alterations to be approved and certified by the Industrial Registrar. Any such Rule alterations shall take effect on and from the date of such certification.
- (b) Provided that Rules 7, 8, 9, 10, 11 and 12 shall not be amended or rescinded without the prior resolution of approval of the relevant Industry Division Committee of Management prior to the proposed rule change being considered by the Committee of Management.
- (c) Provided further that Rules 11(a), 12(a) and 16 shall not be amended or rescinded without the prior resolution of approval adopted by a majority of at least 75% of the members of each of the Transport Industry Division Committee of Management, the Airlines Industry Division Committee of Management and the Committee of Management.
- (d) Any scheme for the amalgamation for the Union with any other union shall include provisions that preserve the application of Rules 16 and 35(c) with full force and effect in the proposed amalgamated union.

36. INSPECTION OF BOOKS

Any member may inspect the books, documents and names of members at any time during office hours by making written application and giving reasonable notice to the Secretary.

37. DISSOLUTION

Any proposal to dissolve this Union shall only take effect after a majority of the financial members have by ballot declared in favour of such disbandment and after a majority of the Committee of Management have voted for disbandment. The procedure to be observed shall be: a written request signed by ten (10) per cent of the financial members of the Union to disband shall be given to the Secretary who shall forthwith refer the matter to the Committee of Management. If a majority of the Committee of Management vote in favour of the proposal the Secretary shall within one (1) month summon a Special General Meeting of members to consider the motion, and it shall then be competent for such meeting to reject the said question or to refer it to a ballot of members. Should such ballot decide in favour of disbandment, the provisions of the *Industrial Relations Act 1996* (as amended) shall apply. Unless otherwise determined in accordance with these Rules the members of the Union shall not be liable to contribute to the debts and liabilities of the Union or the costs, charges and expenses of winding up the Union. Notice of dissolution



under the hand of the Secretary and seven members shall be given to the Registrar in accordance with the *Industrial Relations Act 1996* (as amended).

38. SUB-COMMITTEES

- (a) Except as provided in Rule 8 the Committee of Management or Industry Division Committees of Management may establish sub-committees based on geography, vocation or other grouping as may be appropriate. In establishing sub-committees the Committee of Management or Industry Division Committees of Management shall set out the jurisdiction, charter and purpose of each sub-committee.
- (b) Sub-committees established under this Rule shall be bound by the Rules of the Union.
- (c) The Committee of Management or Industry Division Committee of Management as appropriate shall determine how many members each sub-committee shall have.
- (d) Each sub-committee shall have an honorary convenor and an honorary secretary who shall be responsible for the conduct of the sub-committee's business.
- (e) Members of the sub-committee shall be elected at a general meeting of members falling within the jurisdiction of the sub committee called for that purpose except where the sub-committee is established to advise the Committee of Management or an Industry Division Committee of Management in which case the relevant Committee can appoint members to the sub-committee.
- (f) Decisions of sub-committees are subject to the endorsement of the Committee of Management or Industry Division Committees of Management as appropriate.

39. DELEGATES

- (a) A majority of members employed in any area of membership or part thereof may with the approval of the Industry Division Committees of Management elect biennially from amongst their number a person or persons to act as Delegates.
- (b) Advice of such election shall be given to the Secretary and approved by the Industry Division Committee of Management.

End of Rules

ANNEXURE

ASU OF N.S.W.

PROXY

To a member of the

In my absence from the meeting of the

_____ to be held at

on the _____ day of 20 _____

I hereby appoint you my proxy to vote at such meeting.

Dated the _____ day of 20 _____

WITNESS

A member of the Union or

Justice of the Peace.

AMALGAMATED ASU (SA) STATE UNION RULES

PART I - CONSTITUTION

1 - NAME

- (1) The name of the Association shall be "Amalgamated ASU (SA) State Union".
- (2) The Association incorporates by way of amalgamation the former Australian Services Union (Social and Community Services, SA), Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch and South Australian Salaried Lawyers Association ("former Associations").

2- REGISTERED OFFICE

The registered office of the Union shall be situated at 5-9 Rundle Street, Kent Town or such other place as may be determined by the Executive from time to time. The Registrar shall be notified of any change in the registered office.

3 - PROPER OFFICER .

The Secretary of the Association shall be the proper officer of the Association and shall have the power and authority to sue on behalf of the Association and/or its members in all Courts and Tribunals.

4 - OBJECTS

The objects of the Association are:-

- (1) To uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.
- (2) To watch over, improve, foster and protect the interests of its members.
- (3) To obtain and maintain for its members reasonable hours of work and fair wages and industrial conditions;
- (4) To obtain preferential treatment for members in all aspects of their employment;
- (5) To improve the social and economic position of its members;
- (6) To assist members or their families in distress;

- (7) To formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business, or profession for the provision to the members of the Union of any special benefits privileges and advantages, in particular in relation to goods and services;
- (8) To establish and maintain clubs and other recreational facilities and amenities for the benefit of members, and of their families;
- (9) To establish, operate and maintain health services;
- (10) To establish funds for the benefit of members, officers and employees or a particular class or group of members, officers and employees;
- (11) To establish Branches;
- (12) To establish and/or maintain Union and/or labour and trade Union journals newspapers and other publications and radio, television and other electronic broadcasting by any means including but not limited to the purchase of shares in a corporation carrying on such an activity;
- (13) To provide information on industrial, economic, social, legal and political matters affecting members;
- (14) To assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other Statutory enactment;
- (15) To provide pecuniary, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of the objects (including this object) or any one of them of the Union;
- (16) To organise the training and education of members;
- (17) To assist kindred Unions;
- (18) To co-operate, affiliate, federate, amalgamate, merge with or absorb any Association, of employees whether registered or not pursuant to the industrial law of any South Australia;
- (19) To establish a fund for the assistance and support of trade unionists;
- (20) To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise any bona fide labour or trade Union organisation Association or representative body or peak council which promotes or protects the cause of labour;
- (21) To establish, maintain and/or assist any body, corporation or association concerned with research into the industrial, economic, social, legal and political matters affecting members and the trade Union movement;

- (22) To provide funds from donations, levies, fines, contributions, fees, interests on capital, and from any other monies from which payments may be made for the purposes of any of these objects;
- (23) To invest funds;
- (24) To support co-operative ventures generally;
- (25) To purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings, or easements for any purposes relating to the conduct of the Union;
- (26) To borrow or raise or secure the payment of money in such manner as the Union or a branch may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union or a branch in any way and to redeem or pay off any such securities;
- (27) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union or of a branch;
- (28) To undertake and do all such acts matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them;
- (29) To protect the interests of the industry;
- (30) To promote industrial peace by all means of conciliation and arbitration;
- (31) To prevent lockouts between employers and members;
- (32) To secure redress for any grievances to which members or any of them may become subject;
- (33) To prevent, regulate or restrict the employer's actions or claims to dismiss or refuse to employ or reinstate in employment, in all appropriate cases;
- (34) To make donations to bona fide charitable purposes;
- (35) To create and promote equality of opportunity in employment and promotion within employment;
- (36) To act as agent for and on behalf of members or non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto;
- (37) To promote and develop professional social work throughout the Commonwealth;
- (38) To educate and inform public opinion as to the aims and objects of professional social work;

- (39) In particular to initiate and support any action calculated to benefit the employees in professional social work;
- (40) To act as a medium for the expression of professional opinion on any matters relating to the protection or provision of legal services, procedures and rights in relation to employment of members.

5 - ELIGIBILITY

Part A - SASLA

Any person employed as a lawyer in South Australia is entitled to be a member of the Association, together with such other persons, whether lawyers or not, as have been elected to the council of the Association and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Association;

- (1) any person who is a principal in a firm of legal practitioners;
- (2) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
- (3) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
- (4) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
- (5) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.

Part B - AMACSU (SA) SACA Branch

Without limiting to generality of the foregoing or being limited in any way by the foregoing members by of the Association shall be open to;

- (1) Persons engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

- (a) in any clerical capacity

- (b) either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
- (c) either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
- (d) on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
- (e) as salesman, tracer, draughtsman, or in any similar technical capacity.
- (f) as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
- (g) engaged outside an office in any clerical capacity or as a metre reader;
- (h) engaged as depot superintendent by any Oil Company;
- (i) engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
- (j) engaged as two-way radio operator in connection with a fleet of motor vehicles;
- (k) engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
- (l) engaged in any combination of the above.

Part C - ASU (SACS, SA)

Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Association shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work:-

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board, trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
 SA Health Commission Act 1967
 SA Housing Trust Act 1963-73
 SA College of Advanced Education Act 1982
 Children Services Act 1984
 Alcohol and Drug Addicts Treatment Board Act 1961-71
 Mental Health Act 1935-74
 Parks Community Centre Act 1981
 or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Association shall also be open to persons who have been appointed officers of the Association whether employed in the occupation and industries referred to in rule 5 eligibility.

6 - SEAL

The common seal of the Association shall not be affixed to any instrument without be accompanied by the signatures of the

7 - ADMISSION TO MEMBERSHIP

- (1) ~~An applicant for admission shall include residential address and to the Secretary. The application when received and unless referred applicant shall be and be deemed receipt of the application by the~~
- (2) An application for membership referred by the Secretary to the Executive shall be considered by the Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph (1) herein. If rejected the applicant shall be deemed never to have been a member of the organization.
- (3) The Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (4) An applicant whose application for membership has been rejected or deferred may appeal to the Council.
- (5) ~~The Secretary shall keep or cause to be kept a copy of all applications for membership.~~
- (6) Each applicant for membership whose application is accepted shall be entitled to receive free of charge a copy of the Rules of the Association and if a further copy is required a

Government Management and Employment Act 1985
 SA Health Commission Act 1967
 SA Housing Trust Act 1963-73
 SA College of Advanced Education Act 1982
 Children Services Act 1984
 Alcohol and Drug Addicts Treatment Board Act 1961-71
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- (2) An application for membership referred by the Secretary to the Executive shall be considered by the Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph (1) herein. If rejected the applicant shall be deemed never to have been a member of the organization.
- (3) The Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (4) An applicant whose application for membership has been rejected or deferred *7(5) Amended 2/2/2006 Min Alg I.R*
to the Council.
- (5) ~~The Secretary shall keep or cause to be kept~~ **The Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic*
- (6) Each applicant for membership who *means, the Secretary shall keep or cause to be kept a record of the application.**
free of charge a copy of the Rules of the Association and if a further copy is required a

Government Management and Employment Act 1985
 SA Health Commission Act 1967
 SA Housing Trust Act 1963-73
 SA College of Advanced Education Act 1982
 Children Services Act 1984
 Alcohol and Drug Addicts Treatment Board Act 1961-71
 Mental Health Act 1935-74
 Parks Community Centre Act 1981
 or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Association shall also be open to persons who have been appointed officers of the Association whether employed in the occupation and industries referred to in rule 5 eligibility.

6 - SEAL

The common seal of the Association shall be kept in the custody of the Secretary. The seal shall not be affixed to any instrument without the authority of the Executive, and when so affixed shall be accompanied by the signatures of the President and one of the Vice Presidents and the Secretary.

7 - ADMISSION TO MEMBERSHIP

7(1) amended 2/8/2006. via AG I.R.

(1) ~~An applicant for admission shall include residential address and the to the Secretary. The application when received and unless referred applicant shall be and be deemed receipt of the application by the~~

*An applicant for admission shall:

1. Make an application in writing to the Secretary that includes the applicant's residential address and the name of their employer; or
2. Make an application by telephone that includes advice to the Union of the applicant's residential address and the name of their employer; or
3. Make an application by electronic means that includes advice to the Union of the applicant's residential address and the name of their employer.

(2) An application for membership considered by the Executive which the applicant shall be and be deemed herein. If rejected the applicant organization.

(3) The Secretary shall report all applications to the Executive.

The application for membership shall be considered by the Secretary when received, and unless referred by the Secretary to the next meeting of the Executive, the applicant shall be, and be deemed to be, a member of the Union from the date of receipt of the application by the Union or the Secretary.*

(4) An applicant whose application is referred to the Council.

(5) ~~The Secretary shall keep or cause to be kept a record of the application for membership. When an application was received by telephone or electronic~~

(6) Each applicant for membership who is admitted shall be free of charge a copy of the Rules of the Association and if a further copy is required a

~~means the Secretary shall keep or cause to be kept a record of the application.*~~

member may obtain the copy on application to the Secretary and on payment of a sum not exceeding two dollars.

- (7) The Secretary shall inform applicants for membership, in writing, of:-
 - (a) the financial obligations arising from membership; and
 - (b) the circumstances, and the manner, in which a member may resign from the Association.
- (8) An application for membership of the Association from a person who previously has resigned from or been expelled from the Association may be referred by the Secretary to the Executive and the Executive upon considering the application may accept or reject the application. If the application is accepted the Executive may determine that re-admittance to membership shall be conditional upon the payment of any monies owing by the applicant to the Association. Provided that acceptance of a person as a member shall not be invalidated by non disclosure of any previous resignation or expulsion.
- (9) No error, omission, or want of form in connection with any application for membership under this rule shall invalidate membership.

8 - REGISTER OF MEMBERS

The given name and surname, occupation, and residential address of every member shall be kept in a Register of Members. Every member changing his or her residence shall inform the Secretary of such change within four weeks thereof. The Register of Members shall show the details of the financial status of each member of his or her membership, and shall be made available by the Association for inspection by such persons as are authorized by the Registrar, at such times as are appointed by the Registrar at the office of the Association.

9 - PURGING THE REGISTER

- (1) The Secretary shall from time to time as directed by the Executive strike off the Register of Members the names of all members who satisfy the following criteria;
 - (a) All members owing subscriptions fines or levies for a period of 52 weeks or more, provided that members so struck off shall not be free from liability for arrears due.
 - (b) Any or all members who have ceased to be eligible for membership under Rule 5 of these rules.
 - (c) Notwithstanding anything in these rules, if the Executive is satisfied that a member has ceased to be eligible under the rules of the Association to be a member of the Association, by reason of ceasing to work in the industry or industries specified in Rule 5 or otherwise, the Executive may declare that such person shall cease to be a member of the Association. Where such persons owe money to the Association they shall be liable to pay immediately all subscriptions, levies and fines due and

owing to the Association, and, in default of payment, may be sued for any outstanding amounts.

- (2) The Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of the intention to strike the name off the Register.
- (3) Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Association or to have any of the rights or privileges of membership.
- (4) Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Association up to the date of the removal of the member's name from the Register.

10 - CLEARANCES

- (1) The Executive may grant a clearance to any financial member who ceases to be eligible for membership as defined in Rule 5 and requests a clearance to another Association.
- (2) Every application for clearance shall be in writing addressed to the Secretary and shall set forth the reasons for the application.
- (3) Where any member improperly obtains a clearance or makes any false statement to an officer of the Association in connection with a clearance, such clearance may be revoked, and such member fined a sum not exceeding \$4.00.

11 - RESIGNATIONS

- (1) A member may resign membership of the Association by written notice addressed and delivered to the Secretary.
- (2) A notice of resignation takes effect :
 - (a) where the member ceases to be eligible for membership of the Association:
 - (i) on the day on which the notice is received; or
 - (ii) on the day specified in the notice, which is a day not-earlier than the day when the member ceases to be eligible to become a member,
 whichever is the later, or
 - (b) in any other case:

- (i) at the end of 3 months after the notice has been received by the Association;
or
- (ii) on the day specified in the notice;

whichever is the later.

- (3) Notice of resignation shall be addressed to the Secretary and delivered to that officer.
- (4) Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Association under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Association.
- (5) Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation expires shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation expires and a member who resigns where the member ceased to be eligible to become a member of the Association as hereinbefore mentioned shall be entitled to the same remission.
- (6) A notice delivered to the Secretary shall be taken to have been received by the Association when it was delivered.
- (7) A notice of resignation that has been received by the Association is not invalid because it was not addressed and delivered to the Secretary.
- (8) A resignation from membership of the Association is valid, even if not affected in accordance with the sub-clauses of this Rule, if the member is informed in writing by or on behalf of the Association, that the resignation has been accepted.
- (9) A member on leaving the Association after compliance with this Rule shall be entitled, on written application to the Secretary, to a clearance certificate in the prescribed form.

12 - MEMBERSHIP RIGHTS

It shall be a term of membership in the Association that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not operate to reduce any rights under Federal or State legislation.

PART II GOVERNMENT

13 - EXECUTIVE

- (1) The Highest authority of the Association shall be the Executive, which shall be the Committee of Management of the Association.

- (2) The Executive shall consist of the President, Two Vice Presidents, Secretary and Assistant Secretary (who shall be called "the Officers") together with four (4) members elected as herein provided (who shall be called "Executive Members").
- (3) All Officers and Executive members other than the President shall have full rights of participation at all meetings.
- (4) All Officers and Executive members shall hold office for four years or until their successors are elected and shall, in the absence of an election validly conducted in accordance with these rules, be deemed to be those Officers and Executive members holding office from time to time in the relevant section, division or part of the South Australian Branch of the federally registered organisation known as the Australian Services Association or its successors. The first election shall be conducted within four years of the registration of this Association.
- (5) Provided all Officers and Executive members are notified to attend, any (4) shall form a quorum.
- (6) The four (4) Executive members shall be elected in the same manner as the President, Vice Presidents, Secretary and Assistant Secretary of the Association.

14 - POWERS AND DUTIES OF THE EXECUTIVE

The Association Executive shall have power to do all things necessary to achieve the objects of the Association and without limiting the generality of that power shall have the power.

- (1) shall be responsible for organising the Association,
- (2) may appoint office representatives of the Association and may dispense with the service of any representative,
- (3) shall be responsible for establishing office committees,
- (4) shall deal with correspondence received by the Association,
- (5) shall deal with applications for membership,
- (6) shall deal with resignations and clearances,
- (7) shall authorise expenditure by the Association,
- (8) shall attempt to settle any dispute arising between an employer and a member or members of the Association,
- (9) in the event of an emergency it shall decide all questions affecting the welfare of the Association,

- (10) shall repeal, alter or add to the Rules of the Association.

15 - OFFICERS

(1) PRESIDENT

The President shall:

- (a) Preside at all meetings of the Association. Preserve order and administer impartiality, the rules of the Association and except in the case of elections possess a casting vote only.
- (b) Be ex-officio a member of all committees elected by the Association.
- (c) Be consulted in all matters of urgency and shall give directions on all such matters, subject to title control of the Executive.

(2) VICE PRESIDENTS

In the absence of the President or if that officer is vacant the Vice Presidents shall preside at all meetings and shall possess all the powers and authority of the President.

The Vice Presidents shall carry out the duties of each other during the absence of either one of them or if either vacant.

(3) SECRETARY

The Secretary shall:

- (a) Be elected in accordance with Part V and shall hold office for a term of four years, or until a successor is elected, or until resignation, or removal from office in accordance with the rules; give or receive one month's notice in the case of resignation; receive such salary and allowances as may be decided upon from time to time by the Executive.
- (b) Attend all meetings of the Executive and keep correct minutes of the proceedings.
- (c) Be subject to the control and carry out the instructions of the Executive.
- (d) Be responsible for the proper carrying on of the Association and shall act as general supervisor for and on behalf of the Association.
- (e) Personally, or by deputy, collect all Association dues, fines, or levies from members, and where necessary shall institute proceedings for recovery thereof.

- (f) Investigate all complaints from members.
- (g) Be the officer to sue and prosecute or be sued or prosecuted on behalf of the Association.
- (h) Receive and bank all moneys collected by and on behalf of the Association.
- (i) Keep a correct account of all receipts and expenditure and submit a monthly statement to the Executive.
- (j) Submit to the Executive not later than March in each year a duly audited Income and Expenditure account' of the Association for the year ended on 31st December preceding and a Balance Sheet at such date.
- (k) Deliver up all books, papers, etc. belonging to the Association if called upon to do so by the Executive.
- (l) Subject to the directions and control of the Executive, have charge of all organising undertaken on behalf of the Association and shall direct the activities of any organiser who may be appointed.
- (m) Should the office become vacant the Executive may appoint an Acting/ Secretary, to act in that office until the vacancy is filled.
- (n) Be the Treasurer of the Association.
- (o) Keep a register of members showing their date of admission, full names, postal addresses and names of their employers.
- (p) Send out notices of all meetings of the Association and the Executive.

(4) ASSISTANT SECRETARY

- (a) The Assistant Secretary shall be elected in accordance with Part V and shall hold office for a term of four years or until resignation or removal from office in manner provided by this rule. The Assistant Secretary shall give or receive one month's notice in the case of resignation.
- (b) The Assistant Secretary shall be subject to the supervision and direction of the Secretary and shall assist the Secretary in the discharge of his/her duties. In the absence from duty of the Secretary, the Assistant Secretary shall carry out all the functions and duties of the Secretary and possess all the powers and authority of the Secretary.
- (c) The Assistant Secretary shall receive such salary and allowances as may be decided upon from time to time by the Executive.

- (d) Should the office become vacant, the Executive may appoint an Acting Assistant Secretary to act in that office until the vacancy is filled.

PART III - DISCIPLINE

16 - REMOVAL OF OFFICERS

In the case of the holders of the offices of:

President, Vice President, Secretary, Assistant Secretary, Executive Member:-

- (1) At a meeting of Executive to which the holder of any of the above offices has been summoned in writing by direction of Executive to show cause why they should not be dealt with in accordance with this rule the Executive may:
- (a) remove that officer from any office if they have ceased according to the rules to be eligible to hold such office, or
 - (b) deal with that officer in accordance with the sub-rules of this Rule if the officer has been found guilty by the Executive of:
 - (i) misappropriation of funds of the Association,
 - (ii) a substantial breach of the rules of the Association,
 - (iii) gross misbehavior in relation to his or her office, or
 - (iv) gross neglect of duty in the conduct of his or her office.
- The summons to show cause shall:
- (c) state the allegation together with the particulars thereof;
 - (d) disclose the evidence on which the allegation is based;
 - (e) be signed by the Secretary or the President;
 - (f) state the time, date and place at which the officer is to show cause;
 - (g) be delivered personally to the officer concerned (or posted by registered mail to the officer's last known address) at least 21 days before the meeting at which the matter is to be determined;
 - (h) have attached to it a copy of this rule.
- (2) Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Executive may proceed

with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on them

- (3) The evidence relating to the alleged offence should be heard by the Executive and the officer concerned shall be heard in his or her defense personally and/or in writing.
- (4) If in the opinion of the Executive the officer is guilty of the alleged offence, it may:-
 - (a) reprimand the officer;
 - (b) suspend the officer for a period not exceeding three (3) months;
 - (c) dismiss the officer from office; or
 - (d) expel the officer from the Association.
- (5) The Secretary, or where appropriate the President, shall promptly inform the officer by registered letter of the decision of the Executive. The decision of the Executive shall become effective immediately after it is made.
- (6) If the Executive suspends any officer from office pursuant to this rule it shall forthwith appoint a member of the Association eligible to perform the duties of that office for the duration of the suspension.
- (7) Any officer expelled by the Executive pursuant to this rule shall not be re-admitted to membership except by a vote of the Executive.
- (8) No officer suspended under this rule shall attend any meeting of the Association unless requested to do so by the relevant meeting.
- (9) An officer suspended or removed from office or expelled from the Association pursuant to this rule shall have a right of appeal to a General Meeting of the Association provided that the officer lodges a written appeal within twenty-eight (28) days of the decision against which the appeal is made. The members of the Executive shall not participate in the hearing and determination of any appeal to the General Meeting.

17 - MISCONDUCT - MEMBERS

- (1) Any member may charge any other member with;
 - (a) contravening or failing to observe any of these rules for breach of which no penalty is prescribed by the particular rules; or
 - (b) knowingly contravening or failing to observe any lawful direction or resolution of any Executive or body constituted by or pursuant to these rules; or

- (c) knowingly contravening or failing to observe any lawful and reasonable direction given by any officer of the Association or Association thereof-, or
 - (d) any dereliction of any duty imposed on a member by these rules; or
 - (e) misappropriation or misapplication of any of the funds or property of the Association; or
 - (f) divulging the Association's correspondence or business to persons not entitled to know the same; or
 - (g) making false statements or giving false information in relation to the affairs of the Association; or
 - (h) wilfully misrepresenting the affairs of the Association; or
 - (i) conniving at any of the foregoing offences being committed by any other person; or
 - (j) abusive or disorderly conduct at any meeting held under the rules of the Association or in any office of the Association or towards any officer or employee of the Association acting in the course of duties.
- (2) Action under sub-rule (1) hereof shall be commenced by complaint in writing signed by the complainant and lodged with the Secretary and shall specify the matter or manner charged.
- (3) The Secretary shall summon a member charged before the Executive and such member shall receive from the Secretary at least fourteen days before the meeting of the Executive notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and to be heard.
- (4) If the Executive finds a member guilty of any offence mentioned in sub-rule (1) hereof it may do one or more of the following:
- (a) Impose no penalty.
 - (b) Impose a censure.
 - (c) Fine such member any sum not exceeding fifteen dollars.
 - (d) Suspend from membership or deprive the person of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act Suspension from membership shall deprive a member of benefits of membership but shall not relieve them of the obligations of membership and shall not exceed six months for any one offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension, the suspension shall then lapse.

- (e) Expel such member from the Association: Provided that action under paragraph (4) hereof shall be taken only on a complaint made -
 - (i) by an Executive on its own motion; or
 - (ii) in writing signed by the complainant lodged with the Secretary to which the member complained against is attached, specifying the matter or matters charged, and requesting that the member be expelled.

PART IV - FUNDS

18 - CONTRIBUTIONS

- (1) Subscriptions shall be annual for the period from the first day of January to the last day of December in each year.
- (2) The amount of subscriptions payable by members shall be determined by the Executive from time to time.

19 - LEVIES

The Executive may from time to time strike a levy or levies on all members of the Association.

20 - UNFINANCIAL MEMBERS

- (1) An unfinancial member shall not be entitled to any of the rights and privileges of membership including the right to hold or continue to hold office or to participate in any ballot of members of the Association or to vote or speak at any meeting of the Association. It shall not be necessary to serve an unfinancial member with any notice of meeting. Provided that where a person holding an office ceases to be a financial member of the Association, in the case of a office, the Secretary (or where the Secretary ceases to be a financial member), the President shall notify such person in writing that unless they become financial within twenty eight (28) days of the receipt of such notice in writing such person shall cease to hold the office upon the expiration of the said period of notice.
- (2) An unfinancial member who, within a period of 30 days, fails to comply with a written demand forwarded to the member's address on the member's register, for payment of arrears, may be sued by the Secretary for recovery of such arrears. A member may give a reason or reasons why the subscriptions, fines or levies have not been paid, and thereupon the Executive may, at its discretion, extend the time of payment for such period as it deems fit. This extension of time does not render the member financial.

- (3) In the event of loss of employment making the payment of dues burdensome to any member, such member may, if he or she so desires, inform the Secretary in writing of such loss of employment, and the fees of the member may be suspended by the Executive as from the date of notification of his or her unemployment. Where the unemployment is for part of a contribution term the fees may be proportionately reduced. The member shall, however, on obtaining new employment inform the Secretary and such suspension shall cease.

21 - FUNDS AND DISBURSEMENTS

- (1) Payments shall be authorized as follows:
- (a) By the Executive, the Secretary or the Assistant Secretary within limits decided by the Executive from time to time for ordinary management expenses or expenditure incurred implementing decisions of the Executive.
 - (b) By the Executive for expenditure of a capital nature in excess of \$2,000.00.
- (2) The Executive may invest any funds held for the time being by the Association in authorized trustee investments.
- (3) All cheques for total withdrawal of moneys from the bank shall be signed by either the President, Deputy President or Vice-President and countersigned by either the Secretary or Assistant Secretary and shall bear the seal of the Association.

22 - LOANS, GRANTS AND DONATIONS

No loan, grant or donation of an amount exceeding \$2,000.00 shall be made by the Association unless the Executive -

- (1) has satisfied itself:-
- (a) that the making of such loan, grant or donation would be in accordance with these rules, and
 - (b) in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment are satisfactory, and
- (2) has approved the making of the loan, grant or donation.

23 - RECOVERY OF FUNDS

The Secretary shall have power to proceed in the name of the Association for the recovery of any subscriptions, fines and/or levies in arrears, and may be instructed by the Executive to take the necessary action for the recovery of such arrears.

24 - AUDITOR

- (1) An Auditor, who shall be a competent person within the meaning of the Industrial and Employee Relations Act 1994, shall be appointed by the Executive to audit financial records and/or statements of account twice each year. The Auditor shall certify the Income and Expenditure Account and the Balance Sheet for the year ended 31 December of each year, and the Statement of Receipts and Payments for the six months ended 30 June each year.

Such Auditor shall not be a member of the Association, and shall:

- (a) Audit the books and see that same are correctly kept.
 - (b) Have full and free access to all books, vouchers and documents belonging to the Association.
 - (c) Make a report of each audit to the Executive and the Balance Sheet.
- (2) The Auditor shall be deemed to have vacated the position upon death, or becoming of unsound mind, or on receipt by the Executive of notice in writing of a signed resignation; and the Executive may terminate the services of the Auditor at any time by a resolution passed by an absolute majority of the members of the Executive at a meeting thereof.

PART V - ELECTIONS**25 - RETURNING OFFICER**

- (1) The Returning Officer shall not be the holder of any office in, or an employee of, the Association.
- (2) In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the Executive shall terminate the appointment, and appoint a replacement for the balance of the term set out in subclause (1) hereof.
- (3) The Returning Officer shall be responsible for the conduct of all elections for Offices set out in Rule 13 except where any election for Offices must be conducted by the Australian Electoral Office as prescribed by the Industrial and Employee Relations Act 1994.
- (4) Plebiscites conducted pursuant to Rule 31, in which the members of the Association are eligible to vote, will be conducted by the Association Returning Officer appointed by the Association.

26 - ELIGIBILITY OF CANDIDATES

- (1) Only members of the Association who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date,

shall be eligible to be nominated for any Office within the Association. For the purposes of this Sub-Rule financial membership of the Federated Clerks Association of Australia shall be counted in the calculation of any period of membership.

- (2) In addition to the qualifications set out in a. hereof, only members attached to the Association may be nominated for election to any of the Offices.

27 - NOMINATION OF CANDIDATES

- (1) The Returning Officer shall call for nominations on the first Wednesday in March, by placing advertisements in at least one major capital city daily newspaper, and such regional newspapers circulating in areas where eligible members may reside, where such members do not have in the opinion of the Returning Officer, reasonable access to capital city daily newspapers on the day of their issue.
- (2) All advertisements calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the Returning Officer.
- (3) Nominations shall close 14 days after they are called.
- (4) All candidates must be nominated by two members of the Association who are financial members to and by the end of the month preceding the calling of nominations, with the candidate's consent in writing.

28 - PROCEDURE AT ELECTIONS

- (1) Where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot of financial members shall be held of all financial members of the Association in which a ballot is necessary;
- (2) The ballot shall open no later than four weeks after the close of nominations, and shall close 21 days thereafter.
- (3) The procedures to be followed in all elections held pursuant to this rule shall be as follows:
 - (a) In the conduct of any election, the Returning Officer upon finding a nomination to be defective shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period, of not less than seven (7) days after being notified.
 - (b) If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the Returning Officer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said member was nominated, failing which, the

Returning Officer shall reject all nominations for full time positions submitted for that member.

- (c) If a member is nominated for more than one office within the Association, such member must, within seven days (7) after the close of nominations, advise the Returning Officer in writing which one of such positions the member wishes to stand for, and withdraw any nomination or nominations for the other offices for which the said member was nominated, failing which, the Returning Officer shall reject all the nominations for offices referred to in this sub - rule for that member.
- (d) Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the Returning Officer or Deputy Returning Officer as the case may be, a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinize every act performed or directed by the Returning Officer, Deputy Returning Officer or their agents in connection with the election.

The Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- (e) If at the close of nominations only the required number of nominations have been received for any offices the members no for such offices shall be declared elected, and the Returning Officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.

Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared.

- (f) For the purpose of an election, the books of the Association shall be deemed to have closed on the last day of the month immediately preceding the date of calling of nominations, and only members shown in the records of the Association on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them:-

The Secretary shall, when required by the Returning Officer, or no later than thirty days after the close of nominations provide to the Returning Officer a certified list of members eligible to vote, showing the name and the residential or postal address appearing in the Association records in respect of each eligible member.

- (g) To safeguard against irregularity the Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour. The Returning Officer shall take all steps reasonable

and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorization of the Returning Officer. The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight that the secrecy of the ballot is preserved..

The Returning Officer shall make such arrangements with Australia Post as will for the despatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorized person has access to the ballot papers.

- (h) The Returning Officer shall prepare and forward or cause to be forwarded by prepaid post to each member entitled to vote a ballot paper together with an envelope in which the ballot paper is to be sealed and a prepaid, return addressed, counterfoil envelope in which the ballot paper, in the sealed envelope, shall be returned by the member voting without expense to the member. Provision shall be made on the counterfoil envelope for a number and for the name and signature of the member to be recorded.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials but shall not bear any mark that would disclose the identity of the member voting.

To ensure the secrecy of the ballot the Returning Officer shall set aside or cause to be set aside the counterfoil envelope before the envelope in which the ballot paper is sealed is opened and shall have an instruction to this effect printed on the counterfoil envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or list provided by the Association Secretary in accordance with subclause (f) hereof.

Any eligible member who will be unable to receive a ballot paper at the residential or postal address appearing in the Association records may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

- (i) The Returning Officer shall arrange for the collection and counting of the Ballot papers in the presence of the scrutineers present at the appointed time and place.

If any ballot paper is challenged during the counting of the ballot papers the Returning Officer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.

- (j) Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected.
- (k) In the event of there being a candidate who, at the date of nominating, holds the office in question shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.

29 - CASUAL VACANCIES

- (1) A casual vacancy shall occur in any office within the Association, where the holder of an office dies, resigns, is removed from office, or ceases to hold office, in accordance with the Rules.
- (2) Where an extraordinary vacancy occurs in the office of any Officer, Executive Member elected by the whole of the membership and the unexpired portion of the term of the office is more than:-
 - (a) 12 months; or
 - (b) three quarters of the term of the office,

whichever is the greater, the Secretary shall immediately report such vacancy to the Executive and shall notify the Returning Officer. Upon being so notified the Returning Officer shall conduct an election to fill the vacancy in accordance with these Rules. The Returning Officer shall call for nominations within 21 days of being notified of the vacancy and time intervals shall run from that date as though it was the first Wednesday in March.

- (3) Any member elected to fill any extraordinary vacancy in accordance with the provisions of this rule shall hold office only until his or her successor, declared elected in the next ordinary election as required by the rules hereof, for the office in question assumes office. At such next or election any member who was so elected to fill an extraordinary vacancy in the office, if otherwise qualified, shall be eligible to be a candidate.

30 - ASSUMPTION AND TENURE OF OFFICE

- (1) The Returning Officer shall declare the results of the election:-
 - (a) where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.
 - (b) where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.

- (2) Candidates elected to any office shall assume office upon the declaration of the ballot by the Returning Officer and shall remain in office until their successors are declared elected.
- (3) Provided that where an election has been conducted in accordance with these Rules and no successor has been duly elected the Returning Officer shall immediately conduct a further election as though a casual vacancy existed.
- (4) Provided further that where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.

PART VI - GENERAL

31 - PLEBISCITE

- (1) A plebiscite may be requested:
 - (a) of the whole or part of the membership of the Association by the Executive; or
 - (b) of the whole of the membership of the Association by a petition signed by ten per cent (10%) of the financial membership of the Association.
- (2) Where a plebiscite is to be held of the Association only the financial members attached to the Association shall be entitled to vote.
- (3) Where a plebiscite is held of the members of the Association the decision shall, subject to these rules, be binding on the Association and all members attached to the Association, provided that at least one third of the financial members of the Association eligible to vote in the plebiscite have cast their vote.
- (4) In any plebiscite held pursuant to this rule the Executive may place on the ballot paper other questions, in addition to the questions contained in the request for the plebiscite, which other questions may relate to the same matters as the questions contained in the request or to other matters. The Executive may determine how the questions are to be phrased but shall not phrase the question so as to alter or destroy the substance thereof.
- (5) Where a request for a plebiscite is received the Secretary shall immediately advise the Returning Officer who shall direct the conduct of a plebiscite and take all necessary steps to ensure the secrecy of the ballot.
- (6) The Returning Officer shall declare the result of the ballot in writing to the Secretary.
- (7) Nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission.

- (8) Following the declaration of the ballot the Executive shall take such steps as are reasonable and necessary to implement the result of the ballot.

32 - AMENDMENT OF RULES

The Executive may add to, alter, amend or rescind these rules by decision made at a meeting of the Executive provided that notice of motion of the proposal shall have been given at a previous meeting of the Executive.

33 - GENERAL MEETINGS

- (1) General meetings of the Association shall be held when determined by the Executive. At least 7 days notice of such meeting shall be given in manner determined by the Executive.
- (a) The business of such meeting shall be confined to
- (i) Reading with a view to confirmation all minutes of general meetings which have not been previously confirmed.
 - (ii) Dealing with such matters as are referred by the Executive.
 - (iii) Dealing with such notices of motion as any member may have given to the Secretary in writing at least 14 days prior to the meeting and of which notice has been given in the notice calling the meeting.
- (b) A motion to suspend standing orders to consider any notice of motion given pursuant to subclause (1) (a) (iii) of this rule shall not be entertained before 9 p.m.
- (c) The quorum at such meetings shall be 25.
- (d) Such meetings shall finish not later than 10.15 p.m.
- (e) Only financial members shall be entitled to attend general meetings.

34 - SPECIAL MEETINGS

- (1) A special meeting of the Association shall be held when directed by a majority vote of the Executive or upon requisition signed by 150 financial members of the Association.
- (2) It shall be held in Adelaide.
- (3) Only financial members shall be entitled to attend.
- (4) It shall be convened by:
- (a) Notice published in the morning or evening paper; and

- (b) Notice to all sections.

Such notice shall be given at least five clear days before the meeting.

The business of such special meetings shall be confined to the items specified in the notice convening the meeting.

- (5) A special meeting shall be held within 21 days from the date of the decision of the Executive to hold such meeting or in the case of a requisition signed by 150 financial members within 21 days from the date of the receipt of such requisition.
- (6) One hundred members shall form a quorum.

35 - STANDING ORDERS AND RULES OF DEBATE

The order of business at meetings of the Association shall be:

- (a) Apologies
- (b) Minutes
- (c) Executive Reports (where appropriate)
- (d) Financial Reports (where appropriate)
- (e) Notices of Motion
- (f) Business.

The Rules of Debate at meetings of the Association shall be:

- (1) Any member desiring to propose a motion or an amendment or to discuss any matters under consideration, must address the Chairperson.

The right of speaking on any subject shall belong to the member who first addresses the Chairperson. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later. When two or more members seek the right to speak together the Chairperson shall call upon the member who, in the chair's opinion, first addressed the chair. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.

- (2) All business shall proceed by way of motion which must be affirmative in character. All motions and amendments shall be placed in writing when directed by the Chairperson.
- (3) No member, when speaking, shall be interrupted unless called to order, when that member shall sit down, and the member calling to order shall be heard in support of this point; the Chairperson may at that stage decide the point or hear further discussion, but such point shall be decided before the debate is resumed.

- (4) A motion may be superseded at any time by another motion:-

"That it be discharged from the agenda paper", or
 "That the next business be proceeded with",

being resolved in the affirmative. Such superseding motion shall be put without debate.

- (5) Any motion or first amendment not seconded shall not be further debated but shall lapse.
- (6) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. Amendments shall be put to the vote in the order in which they are received. When amendments have been put and lost the original motion shall then be put to the meeting.
- (7) No amendment shall be received by the Chairperson which is a direct negative to a motion, or which does not preserve the substance of such motion.
- (8) Immediately the debate on any question is concluded the Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by voting, which shall be on the voices, unless the Chairperson or a member present calls for a show of hands; in the event of three or more members present so demanding the vote shall be taken on a division. No member shall enter or leave the meeting while a division is being taken. In the event of the voting on any question being equal the Chairperson shall declare the motion lost.
- (9) No member shall speak on any motion after the same has been put by the Chairperson.
- (10) When the Chairperson rises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.
- (11) It shall be competent for a majority of members present at the meeting by resolution to suspend so much of the Standing Orders as may be necessary to achieve some purpose specified in the resolution, such as to introduce some matter which is not in the programme of business, or to vary the order of business to give priority to some particular matter.
- (12) No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting. The time of discussion to be limited to sixty minutes for each question unless extended by resolution.
- (13) Any member dissatisfied with the Chairperson's ruling may move a motion of dissent in the following terms:-

"That the Chairperson's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairperson who may state reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairperson, without further discussion, in the following form:- "The motion is that the Chairperson's ruling be upheld."

- (14) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks, no member arises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.
- (15) Any member who has not spoken on the business before the Chair shall have the right to move "That the question be now put" at any time during the course of the debate.
- (16) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairperson. Such adjournment shall follow if carried by a vote of the members present.
- (17) When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the meeting.
- (18) Any motion agreed to or negatived cannot again be discussed unless one month's clear notice of the proposed recommittal be given.
- (19) A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting thereon. If the report contains no recommendation it shall be competent for a member to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.
- (20)
 - (a) The meeting may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee.
 - (b) The Rules governing the business of the meeting shall be observed when in Committee.
- (21) The rules of debate in this rule shall apply to all meetings of the Association.

36 - REPRESENTATIVES

- (1) A majority of members employed in any area of membership or part thereof may with the approval of the Executive appoint from amongst their number a person or persons to act as Steward or Stewards, or Workplace Representative/s and advice of such appointment shall be given to the Secretary and approved by the Executive. Failing such appointment, the Executive shall have the power to appoint a Steward or Stewards, or Workplace Representative or Workplace Representatives and the Executive may at any time terminate the appointment of the Steward or Workplace Representative who fails to comply with the rules of the Association or with a direction of the Executive. Stewards or Workplace Representatives shall have such rights and duties as may from time to time be determined by the Executive.
- (2) Any representative failing to discharge his or her duties in a satisfactory manner may be removed from such position, and dealt with as the Executive may decide. Any

representative withholding moneys collected by him or her on behalf of the Association may be proceeded against and dealt with in such manner as the Executive decides. The duties of a representative shall be as follows:-

- (a) To secure new members in the establishment in which they are representatives.
 - (b) To collect all moneys due to the Association, and to pay same on demand, to the Secretary, or to other authorized person at the office of the Association.
 - (c) To report in writing to the Secretary all grievances of the members and infringements of these rules.
 - (d) They shall be held responsible to the Association for any deficiencies in moneys collected by them, and shall be authorized to give receipts for all moneys collected by them.
 - (e) They shall report to the Secretary regularly or upon request of the Executive.
 - (f) Upon written demand of the Secretary, and at least once in each contribution term, they shall return all books of account and receipt books and pay all monies received by them to the Association office.
- (3) Executive may approve the establishment of a Liaison Committee of members. A Liaison Committee shall be a committee of members in the same occupation or a group of related occupations the purpose of which is to provide advice to the Executive with respect to matters affecting that occupation or group of occupations. In establishing such a Liaison Committee the Executive shall determine:
- (a) The composition of the committee;
 - (b) How often the committee shall meet.

A Liaison Committee shall be responsible to and subject to the control of the Executive.

37 - INDUSTRIAL AGREEMENTS

Industrial agreements made by the Association shall be signed on behalf of the Association by the Secretary.

38 - AFFILIATION

The Association may be affiliated with any other Association society or organization having similar objects to the objects of the Association.

39- AMALGAMATION

- (1) The Association shall not amalgamate with other organizations until an affirmative vote for amalgamation shall have been first obtained by ballot sent to all members of the Association and provided further that a two-thirds (2/3rds) majority of votes cast shall be in favour of the proposed amalgamation.
- (2) A ballot shall be deemed to have been sent to a member if sent by pre-paid post to the member's address as appearing in the Register of Members.

40 - AMENDMENT TO RULES

No motion to repeal, alter or add to any of the Rules of the Association shall be made except at an Executive meeting of the Association. A member who seeks amendments of the Rules shall forward to the Secretary at least twenty-eight (28) days before such Executive Meeting written notice specifying the member's intention to propose a resolution for repeal or alteration of or addition to the Rules, and giving particulars thereof, and the Secretary shall issue notice to all members at least fourteen (14) days before the Executive Meeting. No repeal or alteration of or addition to the Rules shall be made unless decided upon by the majority of members of the Executive entitled to vote.

41 - INSPECTION OF BOOKS

Any financial member of the Association may inspect the books and documents and other property of the Association at any reasonable time and upon seven (7) days' notice to the Secretary. Such inspection shall take place in the Association's office in the presence of the Secretary and one other member of Executive. No books or documents shall be removed from the Association's office without the authority of the Executive.

42 - DISPUTES BETWEEN ASSOCIATIONS AND MEMBERS

- (1) Where a member is in dispute with the Association over any matter he or she may address the grievance in writing to the Secretary who shall determine the matter in consultation with the member concerned.
- (2) Should the matter not be able to be resolved pursuant to paragraph (1) above the Secretary shall refer it to the Executive who shall receive any written submission which the member and any other affected member may make or in its discretion the Executive may hear the member in person on such terms as may decide Executive shall then determine the matter.
- (3) The member shall have a right to appeal to the Annual General Meeting at which the member shall have no more than 10 minutes to address the meeting to address the grievance following a report which shall be given by the Secretary or another member of the Executive to be determined by the Executive.

43 - TRANSITIONAL RULE

Notwithstanding anything contained in these rules the following shall apply on and from the date of registration of the Association as an amalgamated association pursuant to Section 129 of the Industrial and Employee Relations Act 1994 (SA) ("amalgamation day"):

- (1) All members, whether financial or otherwise, of the former Associations and all persons treated as members by the former Associations shall be and be deemed to be members of the Association;
- (2) All those persons who were members of the former Associations:-
 - (a) In the case of the Australian Services Union (Social and Community Services, SA);
 - (b) In the case of the Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch; and-
 - (c) In the case of the South Australian Salaried Lawyers Association -

shall be and be deemed to be members of the Association unless:-

 - (i) They had prior to the registration of the Association resigned membership in accordance with the rules of the respective former Association; or
 - (ii) Having received from the Secretary notification of their membership of the Association, they notify the Secretary in writing that they do not wish to be a member of the Association.
- (3) At a time within three (3) months from amalgamation day, the Secretary shall notify all persons who may be affected by the provisions of sub-rules (1) and (2) of this Rule that they are to be treated as members of the Association unless they notify the Secretary that they do not wish to be so treated.
- (4) All assets, including funds, property and rights whatsoever of the former Associations shall be and be deemed to be vested in the Association on and from amalgamation day.
- (5) For a period of six months immediately following amalgamation day, the Executive shall be empowered to deal in any way with any of the assets, including funds, property and rights, of the former Associations, by resolution and action in accordance with these rules, provided further that the Executive may authorize the Secretary to execute documents in the names of any of the former Associations and using the seals of the former Associations as if the same amounted to a valid exercise of the power of the Association in relation to its own property.
- (6) Members of the Association shall be deemed to have financial status and membership continuity which includes the financial status and membership continuity which they held in the former Associations immediately prior to amalgamation day.

- (7) In this transitional rule, any reference to a member of a former Association shall include a reference to a person whose membership or purported membership was invalid or may have been invalidated for any reason other than ineligibility pursuant to the eligibility rules of the respective former Association, but who was treated by the former Association as a valid member.
- (8) For the purposes of this rule and for all purposes connected with the association, the membership, office holdings, officers' decisions and acts of the former Associations shall be and be deemed to be valid and effectual throughout the period of registration of the former Associations.
- (9) The amalgamation of the former Associations is and is deemed by force of this rule to have been entered into and undertaken validly for all purposes by valid action of the former Associations. Should any defect in the amalgamation be revealed at any time after amalgamation day, which is not validated for all purposes by force of this rule, then the amalgamation shall be and be treated as validly effected between those remaining parties from amongst the former Associations whose actions or decisions did not involve or include such defect.
- (10) The Executive shall consist of nine (9) persons. These persons shall be the persons nominated by resolution of each of the former Associations at the meeting at which those former Associations resolved to amalgamate to form the Association. The former Association shall be entitled to the following:-
- (a) In the case of the Australian Services Association (Social and Community Services, SA) - two (2) nominees;
 - (b) In the case of the Australian Municipal Administrative Clerical and Services Union, South Australian Clerical and Administrative Branch - five (5) nominees; and
 - (c) In the case of the South Australian Salaried Lawyers Association - two (2) nominees.

The Executive so formed shall at the first meeting elect from amongst their number, the Officers of the Association for the period of four years until the elections provided for in these rules.

- (11) At the first meeting of the Executive a list of members of the Association, including all those persons referred to in sub-rules (1) and (2) of this Rule shall be and be deemed to be members of the Association.
- (12) Not later than seven days following amalgamation day, the Executive shall meet and the following business will be considered and determined upon by Executive:
- (a) Election of officers;
 - (b) Confirmation of membership;

- (c) Establishment of a membership register and records of the Association, including the minute book and books of account;
 - (d) Determination of any question relating to membership, admission to membership and staff of the Association;
 - (e) Collection, organization and accounting of all assets including funds and property of the Association vested in it pursuant to the amalgamation.
- (13) The Officers of the Association elected at the first meeting of Executive shall and shall be deemed to hold the offices specified and shall hold such offices for a period of not more than four years from amalgamation day by which time an election for such offices shall be called and conducted by the returning officer in accordance with these Rules. Such Officers shall hold office until their successors are elected.

44 - DISSOLUTION.

- (1) The Association may be dissolved when the three quarters (3/4) majority of its members voting by ballot so decide.
- (2) The funds and property of the Association after payment of liability shall be distributed equally among its members financial at the time of dissolution but if the moneys remaining are less than FIVE HUNDRED DOLLARS (\$500) then those moneys shall be paid to a charitable organization determined by the Executive or upon failure of the Executive to so decide by the Secretary.

Exhibit List – DS2

A copy of the eligibility rules of each of the:

- (a) QSU;
- (b) USU;
- (c) NSW Services Union; and
- (d) ASU (SA).

(viii) none of these powers is to be read in such a way as to limit any other of these powers.

- (c) Without limiting the powers expressed in sub-rule (b) of this rule, the Union shall achieve its objects by the application of all lawful means available to it including industrial, political and legal avenues.
- (d) Without limiting the powers expressed in sub-rule (b) of this rule, the Union shall provide such funds and resources as it considers necessary for furthering its objects and any expenditure out of the funds of the Union in furtherance of any of the above objects shall be deemed to be part of the ordinary expenses of the Union.

5 ELIGIBILITY FOR MEMBERSHIP

PART I

The Association shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors, Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not together with such other persons as have been appointed officers of the Association and admitted as members thereof.

PART II

The association shall consist of and be open to:-

- (a) Architects and Naval Architects.
- (b) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
- (c) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
- (d) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
- (e) Tracers.
- (f) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
- (g) Technical Assistants and Technical Officers.
- (h) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
- (i) Scientists and scientific assistants (other than those employed by the Crown).
- (j) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).

- (k) Such other persons appointed full-time officers, industrial officers or Organisers of the Association, shall be admitted as Associate Members of the Association.

Before any applicant may be admitted to membership of the Association, he shall;

- (a) Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Association; or
- (b) Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Association; or
- (c) Be undergoing a course of training in a profession or calling covered by the Constitution; or
- (d) Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Constitution.

PART IIA

- (a) The Association shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
 - (i) employees who are principally engaged in administrative and/or clerical duties;
 - (ii) employees who are principally engaged in professional and/or managerial duties;
 - (iii) employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 - (iv) employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
 - (v) employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.
- (b) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule IIA(a) hereof shall not be eligible for membership of the Association and shall not be represented by the Association.

PART III

The Union shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution. Membership of the Union shall also include persons who have been appointed officers of the Union, whether employed in social welfare work or not.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individuals families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, groupwork, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

PART IV

The Union shall not, on and from the 22 November 2001 (for the purpose of this Part “agreement day”), be entitled to enrol into membership on and from agreement day persons who were up to and including the day immediately preceding agreement day eligible to become members of the Union only by the operation of this part (excluding this sub-clause), provided that the Union shall remain entitled to retain as members, and to continue to industrially represent, those persons who became members pursuant to this Part on or before the day immediately preceding agreement day and who were members of the Union on the day immediately preceding agreement day.

The Guild shall consist of an unlimited number of Sales Representatives, Commercial Travellers and Van Salesmen who apply to become members and remain as such in accordance with these rules.

For the purpose of these rules members shall be generally a person employed substantially away from the employer’s business, in or for the purpose of selling by soliciting orders for promoting business through merchandising or any other means for wholesale and without limiting the ordinary meaning of the foregoing shall include:-

Persons employed substantially away from the employer’s business:-

- (a) for the purpose of selling by soliciting wholesale orders for articles, goods, services, merchandise or materials.
 - (i) for wholesale
 - (ii) for use in connection with the production and/or preparation and/or distribution of commodities for wholesale
- (b) for the purpose of selling by soliciting wholesale orders for building material and supplies from building, tiling, painting, glazing or electrical contractors.
- (c) for the purpose of selling by soliciting wholesale orders for technical and commercial services.
- (d) for the purpose of promoting wholesale business by any means whatsoever, excluding clerical employees.
- (e) for the purpose of selling by soliciting orders for advertising space, for newspapers, radio, cinema and television.
- (f) for the purpose of soliciting orders for finance for investment in registered Building Societies.
- (g) for the purpose of creating and/or soliciting orders for printing and/or any work appertaining to a printing establishment.

Persons engaged in the calling of Van Salesmen shall for the purpose of these rules be deemed to be Sales Representatives and/or Commercial Travellers.

The Guild shall also be composed of persons who are full time officers of the Guild, employees of the Guild and life members.

The Guild shall raise funds by contributions, levies, fines and donations for the objects hereinafter specified.

PART V

- (a) All salaried employees of the Commissioner for Railways for the State of Queensland shall be eligible for membership.
- (b) In addition, this Union shall be composed of persons who are full time officers of the Union, life members, associate members, persons who are duly proposed and accepted by the Council of the Union employed by the Queensland Railways in the following list of callings:-

LIST OF CALLINGS

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners

Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants
Yard Foreman	Weighbridgemen
Yard Supervisors	Flagmen
Traffic Foremen	Advertising Branch Wages Staff
Ticket Inspectors	Labourers
Traffic Inspectors	

Any other employee who is entitled to vote for the traffic employees representative on the Appeal Board.

PART VI

The following persons shall be eligible for membership who are persons resident in Queensland north of 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast:

Persons male and female employed either wholly or partially in the pursuit or vocation of writing engrossing typing and/or calculating whether by ordinary means or by means of any process or machine calculated to achieve a like result and/or in invoicing charging, billing, checking or otherwise dealing with records, writings, correspondence, books and accounts or in any other clerical capacity whatsoever and/or cashiers and/or telephonists and/or superintendents, canvassers and/or Collectors and/or Inspectors employed by Life Insurance Companies and/or Fire and Accident Insurance Companies operating in the State of Queensland and/or Funeral Benefit Canvassers and/or Collectors.

Provided that persons employed at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) and engaged in clerical work shall not be eligible for membership.

Nothing in this Part shall make eligible for membership, any employee employed in or in connection with tourist resorts situated on islands off the coast of Queensland north of 24 degrees 30 minutes of south latitude, as part of the island tourist resort industry, other than employees (eligible to become a member of the Union in accordance with these rules) of employers whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided on an off shore island.

Notwithstanding any other provision of this Part, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.

6 ALLOCATION OF MEMBERS TO INDUSTRY DIVISIONS

- (a) On, and from, Amalgamation Day in 2011, the Union is to be divided into Industry Divisions as provided for in this sub-rule, and each member of the Union shall be attached to the relevant Industry Division in accordance with the following:
- (i) Brisbane City Council Division

All members employed by the Brisbane City Council;
 - (ii) Energy Industry Division

All members employed by energy authorities and/or corporations engaged in the energy industry, excluding members in the Brisbane City Council Industry Division, Local Authorities Industry Division and Rail Industry Division;
 - (iii) Local Authorities Industry Division

All members employed in local authorities and water entities other than the Brisbane City Council;
 - (iv) North Queensland Clerical and Administrative Industry Division

All members that have either not been allocated to the Brisbane City Council Industry Division, Energy Industry Division, Local Authorities Industry Division, Rail Industry Division, SACS Industry Division or who

"Union" means New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union.

Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number. Words importing the masculine gender only shall include the feminine gender

3. MEMBERSHIP RIGHTS

It shall be a term of membership in the Union that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not reduce any rights under Federal or State Legislation.

4. CONSTITUTION OF UNION

- (1) The Union shall consist of an unlimited number of persons who are -
- (a) bona fide employees of -
 - (i) Municipal, Shire and County Councils;
 - (ii) any contractor to any such Council;
 - (iii) any body, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
 - (iv) any body, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
 - (v) any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of this Union or eligible to become members thereof;

- (b) employees of Waste Planning and Management Boards and the successors;
- (c) employees of Australian Health Management Group Pty Ltd and their successors;
- (d) persons upon whom life membership of the Union has been conferred in accordance with these Rules;
- (e) persons who while being members of the Union, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:

- (f) persons, whether employed in the industry or not, who have been elected or appointed officers of the Union, and who have been admitted as members of the Union.
- (2) The Union shall consist of all persons, male and female, engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

5. OBJECTS OF UNION

The objects of the Union are, by all lawful means:

- (1) To protect and improve to the fullest possible extent the interest of members and in particular, and without limiting the ordinary meaning of those words -
 - (a) to obtain and maintain fair wages, hours of work and other conditions of employment of members, either by award, industrial agreement or other lawful means;
 - (b) to protect the interests of the industry;
 - (c) to promote industrial peace by all means of conciliation and arbitration;
 - (d) to prevent lockouts and strikes between employers and members;
 - (e) to secure redress for any grievances to which members or any of them may become subject; and
 - (f) to secure preference of employment for members.
- (2) To render legal assistance to members to enable them to enforce their rights under any law relating to industrial arbitration or to compensation for illness or injuries.
- (3) To relieve financial distress of members or near relatives of deceased members in cases of need, and for that purpose to establish a Contingent Fund.
- (4) To provide funds for the conduct of legal and other proceedings -
 - (a) to enforce payment of subscriptions, fines and levies payable or believed to be payable to the Union;
 - (b) to obtain awards and industrial or other agreements, and the variation, extension or termination thereof;

1. NAME

The Union shall be called the Australian Services Union of N.S.W.

2. CONSTITUTION

PART I The Union shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and

PART 11 The Union shall consist of all persons employed as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and -

PART III No person shall be admitted as a member of this Union under this Part unless they are by the nature of their occupation or employment of the class of which this Union under this part is constituted, that is to say, unless:-

- (a) They are a duly certified clerk under the *Local Government Act, 1919*, or any Act amending the same; or
- (b) They are entitled upon application to receive a certificate as such Local Government Clerk; or
- (c) They are otherwise entitled under the law for the time being in force to occupy the position of town or shire or county clerk.

PART IV The Union shall consist of any person employed or usually employed on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the Union.

Excepting that:

- (a) Persons eligible to be members of the Federated Miscellaneous Workers' Union of Australia (NSW Branch) as at 26 September 1986 shall not be

eligible to join the Union; provided that this exclusion will not apply, to the extent it might otherwise, to persons employed.

- A. As coordinators in a multipurpose neighbourhood centre that encompasses a child care facility;
 - B. In residential child care services providing welfare and social support in a residential setting (including family group homes or institutional care for children) where such services are distinct from:
 - (i) Sessional care to pre-school children, long day care, extended hours care or 24 hours care;
 - (ii) Before and after school care;
 - (iii) Playgroups;
 - (iv) Occasional care;
 - (v) Vacation care;
 - (vi) Multipurpose child care;
 - C. As community development workers;
 - D. In family counselling and support services;
 - E. In women's and youth refuges;
 - F. As family day care coordinators and family day care child development.
- (b) Persons shall not be eligible to join the Union if they are eligible for membership of the Public Service Association of NSW and are employed:
- A. Pursuant to the provisions of:
 - (i) the *Public Service Act of 1979*; or
 - (ii) the *Health Commission Act 1972*; or
 - (iii) the *Health Administration Act 1982*; or
 - (iv) any Act replacing the said Acts; or
 - B.
 - (i) in or by any Department, body, Organisation or group within the terms of the *Public Service Act 1979* or any Act replacing that Act irrespective of whether it remains or continues to be a department, body, Organisation or group in terms of the said Act; or
 - (ii) in or by any Declared Authority within Schedule 3 of the *Public Service Act 1979*, on or before 19 November 1985 irrespective of whether it remains or continues to be a declared authority in terms of the said Act; or
 - (iii) as a ministerial employee; or
 - (iv) by Ministers of the Crown in right of the State of NSW or in the offices of such Ministers; or
 - (v) by the Electricity Commission of NSW; or



- (vi) by the Grain Handling Authority; or
 - (vii) by the Water Resources Commission; or
 - (viii) by for Main Roads; or
 - (ix) by the Commissioner for Motor Transport; or
 - (x) by the Home bush Abattoir Corporation; or
 - (xi) by hospitals included in the 2nd, 3rd or 5th schedule of the *Public Hospitals Act 1929*, or any Act replacing it, by the Public Hospitals or by public dental clinics; or
 - (xii) by Colleges of Advanced Education; or
 - (xiii) by the University of New South Wales, the University of Wollongong, the University of Newcastle, or any other University formed from a college of these Universities; or
 - (xiv) in or by the Legislative Assembly and/or Legislative Council of the State of New South Wales; or
 - (xv) by the New South Wales Egg Corporation; or
 - (xvi) by any New South Wales Education Commission or its agents; or
 - (xvii) by any person as an Associate to a Justice; or
 - (xviii) at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunization Centre; or
 - (xix) in or by:
 - The Drug and Alcohol Authority
 - New South Wales State Cancer Council
 - The United Hospitals Auxiliary
 - The Institute of Psychiatry; or
 - (xx) in or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales; or
 - (xxi) in or in connection with the provision of medical services in penal or like establishments deemed or proclaimed to be a prison under the *Prisons Act 1952*, or any Act replacing the said Act; or
 - (xxii) by any employer or at any place of employment replacing any of the foregoing employers or places of employment, as the case may be; or
- C. by any Organisation registered or exempt from registration under the *Charitable Collections Act 1934*, who are graduates or graduands of a recognised University or who hold a diploma of a recognised body and are engaged in any of the following callings or avocations whether as principal or assistance employees or employees in training;
-

Bacteriologist, Pathologist, Medical Scientist, Scientific Officer, Bio-medical Engineer, Physician, Surgeon, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupation Therapist, Music Therapist, Dietitian, Physiotherapist, Chiropodist (or Podiatrist), or Remedial Gymnast, together with such other employees who are engaged or usually engaged in the callings or



avocations of Chiropodist (or Podiatrist) or Remedial Gymnast, whether as principal or assistance employees or as employees in training and who hold a certificate of a Technical College or of any institution deemed by the employer to be of a similar standing; or

D. in regional offices of any Department of State or corporation or body established by statute administering or providing health services in the State of New South Wales including such persons whose employment fulfils a function of a regional nature but who, due to the nature of their duties are not employed within the precincts of that office, and in or by area or community health services (howsoever called) where these area or community health services have replaced services carried on or provided by a person or body referred to in B. above; or

E. by the Home Care Service of New South Wales,

(c) persons eligible for membership of the Health and Research Employees Association of Australia (NSW Branch) who are employed by the employing authority for each of the following hospitals, mental hospitals, hospital dispensaries, medical schools, laboratories, colleges, industrial and other similar homes, ambulance work (including first aid work), general nursing reception homes, sanatoriums, rest homes, which are wholly or partly controlled by the Board of Health, nonresidential special schools and the Universities shall not be eligible to join the Union;

(d) persons engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or in calculating, billing and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men shall not be eligible to join the Union; and

PART V The Union shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittee of the functions, whole or in part of the Hunter Water Corporation; and

PART VI The Union shall consist of:-

(a) Persons of good character who are employed -

(i) on the salaried staff of the Commissioner for Railways; or

(ii) on the salaried staff of the Commissioner for Government Transport; or

(iii) on the salaried staff of the Commissioner for Motor Transport; or

- (iv) on the salaried staff of The Electricity Commission of New South Wales; or
- (v) as salaried staff in connection with air transport;
- (b) Persons who, while being of any class specified in paragraph 1. above and while being members of the Union, are temporarily regressed to the wages staff of the employer;
- (c) Persons who are employed on the staff of the Union and who become and remain members of the Union pursuant to the Rules;
- (d) Persons who become associate life members pursuant to sub-rule (b) of Rule 24 of these Rules, or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and

PART VII Any person who is an employee or officer of the Union is eligible to belong to the Union.

3. OBJECTS

The objects of the Union shall be to promote the interests of the members of the Union in matters relating to their employment, and improve their living standards and quality of life, and without limiting the generality of the foregoing shall include affiliation and/or co-operation with like bodies of unions or associations.

4. REGISTERED OFFICE AND PLACE OF MEETING

- (a) The registered office of the Union shall be at Level 1, 39-47 Renwick Street. Redfern, 2016.
- (b) The place of meeting of the Union shall be the registered office or at any place as determined by the Committee of Management from time to time.
- (c) The place of meeting of a Division shall be the registered office or at any place as determined by the Division Committee of Management from time to time.

5. THE COMMITTEE OF MANAGEMENT

- ~~(a)~~ (i) ~~Committee of Management of the Union shall be responsible for the government of the Union and the enforcement of its Rules and objects and may purchase, lease, sell, mortgage, exchange and otherwise deal with real or personal property for and on behalf of the Union.~~

5 - ELIGIBILITY

Part A - SASLA

Any person employed as a lawyer in South Australia is entitled to be a member of the Association, together with such other persons, whether lawyers or not, as have been elected to the council of the Association and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Association;

- (1) any person who is a principal in a firm of legal practitioners;
- (2) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
- (3) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
- (4) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
- (5) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.

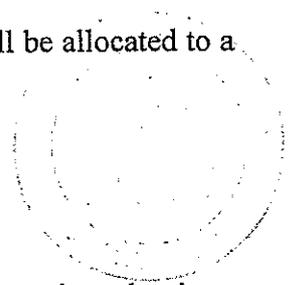
Part B - AMACSU (SA) SACA Branch

Without limiting to generality of the foregoing or being limited in any way by the foregoing members of the Association shall be open to;

- (1) Persons engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

 - (a) in any clerical capacity
 - (b) either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
 - (c) either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
 - (d) on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
 - (e) as salesman, tracer, draughtsman, or in any similar technical capacity.



- (f) as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
- (g) engaged outside an office in any clerical capacity or as a metre reader;
- (h) engaged as depot superintendent by any Oil Company;
- (i) engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
- (j) engaged as two-way radio operator in connection with a fleet of motor vehicles;
- (k) engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
- (l) engaged in any combination of the above.

Part C - ASU (SACS, SA)

Without limiting the generality of the foregoing or being in any way limited by the foregoing members by of the Association shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work:-

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board, trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
 SA Health Commission Act 1967
 SA Housing Trust Act 1963-73
 SA College of Advanced Education Act 1982
 Children Services Act 1984
 Alcohol and Drug Addicts Treatment Board Act 1961-71
 Mental Health Act 1935-74
 Parks Community Centre Act 1981

or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Association shall also be open to persons who have been appointed officers of the Association whether employed in the occupation and industries referred to in rule 5 eligibility.



Exhibit List – DS3

A copy of the proposed rule changes of the:

- (a) QSU;
- (b) USU;
- (c) NSW Services Union; and
- (d) ASU (SA).

Queensland Services, Industrial Union of Employees (“QSU”)

Current QSU Rules

5 - ELIGIBILITY FOR MEMBERSHIP

PART I

The Association shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors, Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not together with such other persons as have been appointed officers of the Association and admitted as members thereof.

PART II

The association shall consist of and be open to:-

- (a) Architects and Naval Architects.
- (b) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
- (c) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
- (d) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
- (e) Tracers.
- (f) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of

Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.

- (g) Technical Assistants and Technical Officers.
- (h) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
- (i) Scientists and scientific assistants (other than those employed by the Crown).
- (j) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).
- (k) Such other persons appointed full-time officers, industrial officers or Organisers of the Association, shall be admitted as Associate Members of the Association.

Before any applicant may be admitted to membership of the Association, he shall;

- (a) Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Association; or
- (b) Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Association; or
- (c) Be undergoing a course of training in a profession or calling covered by the Constitution; or
- (d) Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Constitution.

PART IIA

- (a) The Association shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
 - (1) employees who are principally engaged in administrative and/or clerical duties;
 - (2) employees who are principally engaged in professional and/or managerial duties;
 - (3) employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 - (4) employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
 - (5) employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.

- (b) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule IIA(a) hereof shall not be eligible for membership of the Association and shall not be represented by the Association.

PART III

The Union shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution. Membership of the Union shall also include persons who have been appointed officers of the Union, whether employed in social welfare work or not.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individuals families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, groupwork, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

PART IV

The Union shall not, on and from the 22 November 2001 (for the purpose of this Part “agreement day”), be entitled to enrol into membership on and from agreement day persons who were up to and including the day immediately preceding agreement day eligible to become members of the Union only by the operation of this part (excluding this sub-clause), provided that the Union shall remain entitled to retain as members, and to continue to industrially represent, those persons who became members pursuant to this Part on or before the day immediately preceding agreement day and who were members of the Union on the day immediately preceding agreement day.

The Guild shall consist of an unlimited number of Sales Representatives, Commercial Travellers and Van Salesmen who apply to become members and remain as such in accordance with these rules.

For the purpose of these rules members shall be generally a person employed substantially away from the employer’s business, in or for the purpose of selling by soliciting orders for promoting business through merchandising or any other means for wholesale and without limiting the ordinary meaning of the foregoing shall include:-

Persons employed substantially away from the employer’s business:-

- (a) for the purpose of selling by soliciting wholesale orders for articles, goods, services, merchandise or materials.
 - i. for wholesale
 - ii. for use in connection with the production and/or preparation and/or distribution of commodities for wholesale
- (b) for the purpose of selling by soliciting wholesale orders for building material and supplies from building, tiling, painting, glazing or electrical contractors.
- (c) for the purpose of selling by soliciting wholesale orders for technical and commercial services.
- (d) for the purpose of promoting wholesale business by any means whatsoever, excluding clerical employees.
- (e) for the purpose of selling by soliciting orders for advertising space, for newspapers, radio, cinema and television.
- (f) for the purpose of soliciting orders for finance for investment in registered Building Societies.
- (g) for the purpose of creating and/or soliciting orders for printing and/or any work appertaining to a printing establishment.

Persons engaged in the calling of Van Salesmen shall for the purpose of these rules be deemed to be Sales Representatives and/or Commercial Travellers.

The Guild shall also be composed of persons who are full time officers of the Guild, employees of the Guild and life members.

The Guild shall raise funds by contributions, levies, fines and donations for the objects hereinafter specified.

PART V

- a. All salaried employees of the Commissioner for Railways for the State of Queensland shall be eligible for membership.
- b. In addition, this Union shall be composed of persons who are full time officers of the Union, life members, associate members, persons who are duly proposed and accepted by the Council of the Union employed by the Queensland Railways in the following list of callings:-

LIST OF CALLINGS

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees

Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants
Yard Foreman	Weighbridgemen
Yard Supervisors	Flagmen
Traffic Foremen	Advertising Branch Wages Staff
Ticket Inspectors	Labourers
Traffic Inspectors	

Any other employee who is entitled to vote for the traffic employees representative on the Appeal Board.

PART VI

The following persons shall be eligible for membership who are persons resident in Queensland north of 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast:

Persons male and female employed either wholly or partially in the pursuit or vocation of writing engrossing typing and/or calculating whether by ordinary means or by means of any process or machine calculated to achieve a like result and/or in invoicing charging, billing, checking or otherwise dealing with records, writings, correspondence, books and accounts or in any other clerical capacity whatsoever and/or cashiers and/or telephonists and/or superintendents, canvassers and/or Collectors and/or Inspectors employed by Life Insurance Companies and/or Fire and Accident Insurance Companies operating in the State of Queensland and/or Funeral Benefit Canvassers and/or Collectors.

Provided that persons employed at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) and engaged in clerical work shall not be eligible for membership.

Nothing in this Part shall make eligible for membership, any employee employed in or in connection with tourist resorts situated on islands off the coast of Queensland north of 24 degrees 30 minutes of south latitude, as part of the island tourist resort industry, other than employees (eligible to become a member of the Union in accordance with these rules) of employers whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided on an off shore island.

Notwithstanding any other provision of this Part, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.

Tracked Changes

PART XXIV

~~(a) The Association shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors,~~

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~~Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not together with such other persons as have been appointed officers of the Association and admitted as members thereof.~~

(b) ~~The association shall consist of and be open to:~~ (a) The Union, in the State of Queensland, shall consist of and be open to employees who are employed in the State of Queensland as:-

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- (i) Architects and Naval Architects.
- (ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
- (iii) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
- (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
- (v) Tracers.
- (vi) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
- (vii) Technical Assistants and Technical Officers.
- (viii) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.

+ Scientists and scientific assistants (other than those employed by the Crown).

2. Town, Country and Regional planners and planning assistants (other than those employed by the Crown).

3. Such other persons appointed full-time officers, industrial officers or Organisers of the Association Queensland Services, Industrial Union of Employees, shall be admitted as Associate Members of the Association Union.

(c) Before any applicant may be admitted to membership of the Association, the Union in the State of Queensland, the person shall:

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- (i) Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Association Union; or
- (ii) Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Association Union; or
- (iii) Be undergoing a course of training in a profession or calling covered by the Constitution Union; or
- (iv) Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Constitution Union.

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(db) (i) The Association Union in the State of Queensland shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:

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- 1. employees who are principally engaged in administrative and/or clerical duties;
- 2. employees who are principally engaged in professional and/or managerial duties;
- 3. employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
- 4. employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
- 5. employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.

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(ii) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule HA(ac)(i) hereof shall not be eligible for membership of the Association Union and shall not be represented by the Association Union.

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(ec) The Union in the State of Queensland shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in

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social welfare work in the State of Queensland; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution. ~~Membership of the Union shall also include persons who have been appointed officers of the Union, whether employed in social welfare work or not.~~

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individuals/individual’s families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, groupwork/group work, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

~~(f) The Union shall not, on and from the 22 November 2001 (for the purpose of this Part “agreement day”), be entitled to enrol into membership on and from agreement day persons who were up to and including the day immediately preceding agreement day eligible to become members of the Union only by the operation of this part (excluding this sub clause), provided that the Union shall remain entitled to retain as members, and to continue to industrially represent, those persons who became members pursuant to this Part on or before the day immediately preceding agreement day and who were members of the Union on the day immediately preceding agreement day.~~

~~The Guild shall consist of an unlimited number of Sales Representatives, Commercial Travellers and Van Salesmen who apply to become members and remain as such in accordance with these rules.~~

~~For the purpose of these rules members shall be generally a person employed substantially away from the employer’s business, in or for the purpose of selling by soliciting orders for promoting business through merchandising or any other means for wholesale and without limiting the ordinary meaning of the foregoing shall include:-~~

~~Persons employed substantially away from the employer’s business:-~~

- ~~d) — for the purpose of selling by soliciting wholesale orders for articles, goods, services, merchandise or materials.~~
 - ~~○ for wholesale~~
 - ~~○ for use in connection with the production and/or preparation and/or distribution of commodities for wholesale~~

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- (ii) ~~for the purpose of selling by soliciting wholesale orders for building material and supplies from building, tiling, painting, glazing or electrical contractors.~~
- (iii) ~~for the purpose of selling by soliciting wholesale orders for technical and commercial services.~~
- (iv) ~~for the purpose of promoting wholesale business by any means whatsoever, excluding clerical employees.~~
- (v) ~~for the purpose of selling by soliciting orders for advertising space, for newspapers, radio, cinema and television.~~
- (vi) ~~for the purpose of soliciting orders for finance for investment in registered Building Societies.~~
- (vii) ~~for the purpose of creating and/or soliciting orders for printing and/or any work appertaining to a printing establishment.~~

~~Persons engaged in the calling of Van Salesmen shall for the purpose of these rules be deemed to be Sales Representatives and/or Commercial Travellers.~~

~~The Guild shall also be composed of persons who are full time officers of the Guild, employees of the Guild and life members.~~

~~The Guild shall raise funds by contributions, levies, fines and donations for the objects hereinafter specified.~~

(g) ~~(i)~~ All salaried employees of the Commissioner for Railways ~~for~~employed in the State of Queensland shall be eligible for membership.

(ii)- In addition, this Union in the State of Queensland shall be composed of persons who are full time officers of the ~~Union~~Queensland Services, Industrial Union of Employees, life members of the Queensland Services, Industrial Union of Employees, associate members, ~~persons who are duly proposed and accepted by the Council~~ of the Queensland Services, Industrial Union of Employees and employees employed in the State of Queensland by the Queensland Railways in the following list of callings:-:

LIST OF CALLINGS

Clerks (including typists)	Guards
Station Masters _	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants

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Yard Foreman
Yard Supervisors
Traffic Foremen
Ticket Inspectors
Traffic Inspectors

Weighbridgemen
Flagmen
Advertising Branch Wages Staff
Labourers

Any other employee, employed in the State of Queensland, who is entitled to vote for the traffic ~~employees~~employee's representative on the Appeal Board.

~~(h) The following persons shall be eligible for membership who are persons resident in Queensland north of 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast:~~

~~Persons male and female employed either wholly or partially in the pursuit or vocation of writing engrossing typing and/or calculating whether by ordinary means or by means of any process or machine calculated to achieve a like result and/or in invoicing charging, billing, checking or otherwise dealing with records, writings, correspondence, books and accounts or in any other clerical capacity whatsoever and/or cashiers and/or telephonists and/or superintendents, canvassers and/or Collectors and/or Inspectors employed by Life Insurance Companies and/or Fire and Accident Insurance Companies operating in the State of Queensland and/or Funeral Benefit Canvassers and/or Collectors.~~

~~Provided that persons employed at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) and engaged in clerical work shall not be eligible for membership.~~

~~Nothing in this Part shall make eligible for membership, any employee employed in or in connection with tourist resorts situated on islands off the coast of Queensland north of 24 degrees 30 minutes of south latitude, as part of the island tourist resort industry, other than employees (eligible to become a member of the Union in accordance with these rules) of employers whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided on an off shore island.~~

~~Notwithstanding any other provision of this Part, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.~~

Proposed alteration to AMACSU Eligibility Rules

PART XXIV

- (a) The Union, in the State of Queensland, shall consist of and be open to employees who are employed in the State of Queensland as:-
- (i) Architects and Naval Architects.
 - (ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.

- (iii) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
- (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
- (v) Tracers.
- (vi) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
- (vii) Technical Assistants and Technical Officers.
- (viii) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
- (ix) Scientists and scientific assistants (other than those employed by the Crown).
- (x) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).
- (xi) Such other persons appointed full-time officers, industrial officers or Organisers of the Queensland Services, Industrial Union of Employees, shall be admitted as Associate Members of the Union.

Before any applicant may be admitted to membership of the Union in the State of Queensland, the person shall:

1. Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Union; or
2. Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Union; or
3. Be undergoing a course of training in a profession or calling covered by the Union; or

4. Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Union.
- (b) (i) The Union in the State of Queensland shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
1. employees who are principally engaged in administrative and/or clerical duties;
 2. employees who are principally engaged in professional and/or managerial duties;
 3. employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 4. employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
 5. employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.
- (ii) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule c(i) hereof shall not be eligible for membership of the Union and shall not be represented by the Union.
- (c) The Union in the State of Queensland shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work in the State of Queensland; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individual's families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, group work, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

- (d) (i) All salaried employees of the Commissioner for Railways employed in the State of Queensland shall be eligible for membership.

- (ii) In addition, this Union in the State of Queensland shall be composed of persons who are full time officers of the Queensland Services, Industrial Union of Employees, life members of the Queensland Services, Industrial Union of Employees, associate members of the Queensland Services, Industrial Union of Employees and employees employed in the State of Queensland by the Queensland Railways in the following list of callings:

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants
Yard Foreman	Weighbridgemen
Yard Supervisors	Flagmen
Traffic Foremen	Advertising Branch Wages Staff
Ticket Inspectors	Labourers
Traffic Inspectors	

Any other employee, employed in the State of Queensland, who is entitled to vote for the traffic employee's representative on the Appeal Board.

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union ("NSW USU")

Current NSW USU Rules

4 – CONSTITUTION OF UNION

- (1) The Union shall consist of an unlimited number of persons who are -
- (a) bona fide employees of -
- (i) Municipal, Shire and County Councils;
 - (ii) any contractor to any such Council;
 - (iii) any body, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
 - (iv) any body, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
 - (v) any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of this Union or eligible to become members thereof;

(b) employees of Waste Planning and Management Boards and the successors;

(c) employees of Australian Health Management Group Pty Ltd and their successors;

(d) persons upon whom life membership of the Union has been conferred in accordance with these Rules;

(e) persons who while being members of the Union, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:

(f) persons, whether employed in the industry or not, who have been elected or appointed officers of the Union, and who have been admitted as members of the Union.

- (2) The Union shall consist of all persons, male and female, engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

Tracked Changes

PART XXV

- (a)- The Union in the State of New South Wales shall consist of an unlimited number of persons, employed in the State of New South Wales, who are -

(i) ~~bona fide~~ employees of—;

~~5.~~ 1. Municipal, Shire and County Councils;

~~6.~~ 2. any contractor to any such Council;

~~7.~~ 3. ~~any~~, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;

~~8.~~ 4. ~~any~~, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and

~~9.~~ 5. any contractor to any such body, and who have been admitted as members of the Union.

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Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of ~~this~~the Union in accordance with this Part XXV or eligible to become members ~~thereof~~in accordance with this Part XXV;

(ii) ~~employees of Waste Planning and Management Boards and the successors;~~

(iii) ~~employees of Australian Health Management Group Pty Ltd and their successors;~~

(iv) ~~persons upon whom life membership of the Union~~[USU] has been conferred in accordance with these Rules;

(v) ~~persons who while being members of the Union, in accordance with this Part XXV, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:~~

(vi) ~~persons, whether employed in the industry or not, who have been elected or appointed officers of the Union~~[USU], and who have been admitted as members of the [USU].

(b) The Union in the State of New South Wales shall consist of all persons, ~~male employed in the State of New South Wales, and female,~~ engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors ~~and clear out men.~~

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

Proposed alteration to AMACSU Eligibility Rules

PART XXV

(a) The Union in the State of New South Wales shall consist of an unlimited number of persons, employed in the State of New South Wales, who are -

(i) employees of:

~~1.~~1. Municipal, Shire and County Councils;

~~2.~~2. any contractor to any such Council;

~~3.~~3. anybody, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;

~~4.~~4. anybody, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and

~~5.~~5. any contractor to any such body, and who have been admitted as members of the Union.

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Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of the Union in accordance with this Part XXV or eligible to become members in accordance with this Part XXV;

- (ii) employees of Waste Planning and Management Boards and the successors;
 - (iii) employees of Australian Health Management Group Pty Ltd and their successors;
 - (iv) persons upon whom life membership of the USU has been conferred in accordance with these Rules;
 - (v) persons who while being members of the Union, in accordance with this Part XXV, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules;
 - (vi) persons, whether employed in the industry or not, who have been elected or appointed officers of the USU, and who have been admitted as members of the USU.
- (b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, and engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

Australian Services Union of N.S.W (“NSW ASU”)

Current NSW ASU Rules

2 - CONSTITUTION

PART I The Union shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and

PART II The Union shall consist of all persons employed as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and

PART III No person shall be admitted as a member of this Union under this Part unless they are by the nature of their occupation or employment of the class of which this Union under this part is constituted, that is to say, unless:-

- (a) They are a duly certified clerk under the *Local Government Act, 1919*, or any Act amending the same; or
- (b) They are entitled upon application to receive a certificate as such Local Government Clerk; or
- (c) They are otherwise entitled under the law for the time being in force to occupy the position of town or shire or county clerk.

PART IV The Union shall consist of any person employed or usually employed on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the Union.

Excepting that:

- (a) Persons eligible to be members of the Federated Miscellaneous Workers' Union of Australia (NSW Branch) as at 26 September 1986 shall not be eligible to join the Union; provided that this exclusion will not apply, to the extent it might otherwise, to persons employed.
 - A. As coordinators in a multipurpose neighbourhood centre that encompasses a child care facility;

- B. In residential child care services providing welfare and social support in a residential setting (including family group homes or institutional care for children) where such services are distinct from:
 - (i) Sessional care to pre-school children, long day care, extended hours care or 24 hours care;
 - (ii) Before and after school care;
 - (iii) Playgroups;
 - (iv) Occasional care;
 - (v) Vacation care;
 - (vi) Multipurpose child care;
 - C. As community development workers;
 - D. In family counselling and support services;
 - E. In women's and youth refuges;
 - F. As family day care coordinators and family day care child development.
- (b) Persons shall not be eligible to join the Union if they are eligible for membership of the Public Service Association of NSW and are employed:
- A. Pursuant to the provisions of:
 - (i) the *Public Service Act of 1979*; or
 - (ii) the *Health Commission Act 1972*; or
 - (iii) the *Health Administration Act 1982*; or
 - (iv) any Act replacing the said Acts; or
 - B.
 - (i) in or by any Department, body, Organisation or group within the terms of the Public Service Act 1979 or any Act replacing that Act irrespective of whether it remains or continues to be a department, body, Organisation or group in terms of the said Act; or
 - (ii) in or by any Declared Authority within Schedule 3 of the Public Service Act 1979, on or before 19 November 1985 irrespective of whether it remains or continues to be a declared authority in terms of the said Act; or
 - (iii) as a ministerial employee; or
 - (iv) by Ministers of the Crown in right of the State of NSW or in the offices of such Ministers; or
 - (v) by the Electricity Commission of NSW; or
 - (vi) by the Grain Handling Authority; or
 - (vii) by the Water Resources Commission; or
 - (viii) by for Main Roads; or
 - (ix) by the Commissioner for Motor Transport; or
 - (x) by the Home bush Abattoir Corporation; or
 - (xi) by hospitals included in the 2nd, 3rd or 5th schedule of the Public Hospitals Act 1929, or any Act replacing it, by the Public Hospitals or by public dental clinics; or
 - (xii) by Colleges of Advanced Education; or

- (xiii) by the University of New South Wales, the University of Wollongong, the University of Newcastle, or any other University formed from a college of these Universities; or
- (xiv) in or by the Legislative Assembly and/or Legislative Council of the State of New South Wales; or
- (xv) by the New South Wales Egg Corporation; or
- (xvi) by any New South Wales Education Commission or its agents; or
- (xvii) by any person as an Associate to a Justice; or
- (xviii) at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunization Centre; or
- (xix) in or by:
- (xx) The Drug and Alcohol Authority New South Wales
- (xxi) State Cancer Council
- (xxii) The United Hospitals Auxiliary The Institute of Psychiatry; or
- (xxiii) in or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales; or
- (xxiv) in or in connection with the provision of medical services in penal or like establishments deemed or proclaimed to be a prison under the Prisons Act 1952, or any Act replacing the said Act; or
- (xxv) by any employer or at any place of employment replacing any of the foregoing employers or places of employment, as the case may be; or

- C. by any Organisation registered or exempt from registration under the *Charitable Collections Act 1934*, who are graduates or graduands of a recognised University or who hold a diploma of a recognised body and are engaged in any of the following callings or avocations whether as principal or assistance employees or employees in training;

Bacteriologist, Pathologist, Medical Scientist, Scientific Officer, Bio-medical Engineer, Physician, Surgeon, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupation Therapist, Music Therapist, Dietitian, Physiotherapist, Chiropodist (or Podiatrist), or Remedial Gymnast, together with such other employees who are engaged or usually engaged in the callings or avocations of Chiropodist (or Podiatrist) or Remedial Gymnast, whether as principal or assistance employees or as employees in training and who hold a certificate of a Technical College or of any institution deemed by the employer to be of a similar standing; or

- D. in regional offices of any Department of State or corporation or body established by statute administering or providing health services in the State of New South Wales including such persons whose employment fulfils a function of a regional nature but who, due to the nature of their duties are not employed within the precincts of that office, and in or by area or community health services (howsoever called) where these area or community health services have replaced services carried on or provided by a person or body referred to in B. above; or

- E. by the Home Care Service of New South Wales,

- (c) persons eligible for membership of the Health and Research Employees Association of Australia (NSW Branch) who are employed by the employing authority for each of the following hospitals, mental hospitals, hospital dispensaries, medical schools, laboratories, colleges, industrial and other similar homes, ambulance work (including first aid work), general nursing reception homes, sanatoriums, rest homes, which are wholly or partly controlled by the Board of Health, nonresidential special schools and the Universities shall not be eligible to join the Union;
- (d) persons engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or in calculating, billing and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men shall not be eligible to join the Union; and

PART V The Union shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittee of the functions, whole or in part of the Hunter Water Corporation; and

PART VI The Union shall consist of:-

- (a) Persons of good character who are employed –
 - (i) on the salaried staff of the Commissioner for Railways; or
 - (ii) on the salaried staff of the Commissioner for Government Transport; or
 - (iii) on the salaried staff of the Commissioner for Motor Transport; or on the salaried staff of The Electricity Commission of New South Wales; or
 - (iv) as salaried staff in connection with air transport;
- (b) Persons who, while being of any class specified in paragraph 1. above and while being members of the Union, are temporarily regressed to the wages staff of the employer;
- (c) Persons who are employed on the staff of the Union and who become and remain members of the Union pursuant to the Rules;
- (d) Persons who become associate life members pursuant to sub-rule (b) of Rule 24 of these Rules, or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and

PART VII Any person who is an employee or officer of the Union is eligible to belong to the Union.

Tracked Changes

PART XXVI

- (a) The Union in the State of New South Wales shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related

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or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and

- (b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and

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~~(e) No person shall be admitted as a member of this Union under this Part unless they are by the nature of their occupation or employment of the class of which this Union under this part is constituted, that is to say, unless:-~~

~~(i) They are a duly certified clerk under the *Local Government Act, 1919*, or any Act amending the same; or~~

~~(ii) They are entitled upon application to receive a certificate as such Local Government Clerk; or~~

~~(iii) They are otherwise entitled under the law for the time being in force to occupy the position of town or shire or county clerk.~~

- (d) The Union in the State of New South Wales shall consist of any person, employed or usually employed in the State of New South Wales, on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union in the State of New South Wales, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the [NSW Services Union-].

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~~Excepting that:~~

~~(i) Persons eligible to be members of the Federated Miscellaneous Workers' Union of Australia (NSW Branch) as at 26 September 1986 shall not be eligible to join the Union; provided that this exclusion will not apply, to the extent it might otherwise, to persons employed.~~

~~A. As coordinators in a multipurpose neighbourhood centre that encompasses a child care facility;~~

~~B. In residential child care services providing welfare and social support in a residential setting (including family group homes or institutional care for children) where such services are distinct from:~~

- ~~• Sessional care to pre-school children, long day care, extended hours care or 24 hours care;~~
- ~~• Before and after school care;~~
- ~~• Playgroups;~~

- ~~Occasional care;~~
- ~~Vacation care;~~
- ~~Multipurpose child care;~~

~~C. As community development workers;~~

~~D. In family counselling and support services;~~

~~E. In women's and youth refuges;~~

~~F. As family day care coordinators and family day care child development.~~

~~(ii) Persons shall not be eligible to join the Union if they are eligible for membership of the Public Service Association of NSW and are employed:~~

~~A. Pursuant to the provisions of:~~

- ~~the *Public Service Act of 1979*; or~~
- ~~the *Health Commission Act 1972*; or~~
- ~~the *Health Administration Act 1982*; or~~
- ~~any Act replacing the said Acts; or~~

~~C.~~

- ~~in or by any Department, body, Organisation or group within the terms of the *Public Service Act 1979* or any Act replacing that Act irrespective of whether it remains or continues to be a department, body, Organisation or group in terms of the said Act; or~~
- ~~in or by any Declared Authority within Schedule 3 of the *Public Service Act 1979*, on or before 19 November 1985 irrespective of whether it remains or continues to be a declared authority in terms of the said Act;~~
- ~~or~~
- ~~as a ministerial employee; or~~
- ~~by Ministers of the Crown in right of the State of NSW or in the offices of such Ministers; or~~
- ~~by the Electricity Commission of NSW; or~~
- ~~by the Grain Handling Authority; or~~
- ~~by the Water Resources Commission; or~~
- ~~by for Main Roads; or~~
- ~~by the Commissioner for Motor Transport; or~~
- ~~by the Home bush Abattoir Corporation; or~~
- ~~by hospitals included in the 2nd, 3rd or 5th schedule of the *Public Hospitals Act 1929*, or any Act replacing it, by the Public Hospitals or by public dental clinics; or~~
- ~~by Colleges of Advanced Education; or~~
- ~~by the University of New South Wales, the University of Wollongong, the University of Newcastle, or any other University formed from a college of these Universities; or~~
- ~~in or by the Legislative Assembly and/or Legislative Council of the State of New South Wales; or~~
- ~~by the New South Wales Egg Corporation; or~~
- ~~by any New South Wales Education Commission or its agents; or~~
- ~~by any person as an Associate to a Justice; or~~

- ~~at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunization Centre; or~~
- ~~in or by:~~
 - ~~The Drug and Alcohol Authority New South Wales~~
 - ~~State Cancer Council~~
 - ~~The United Hospitals Auxiliary The Institute of Psychiatry; or~~
- ~~in or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales; or~~
- ~~in or in connection with the provision of medical services in penal or like establishments deemed or proclaimed to be a prison under the *Prisons Act 1952*, or any Act replacing the said Act; or~~
- ~~by any employer or at any place of employment replacing any of the foregoing employers or places of employment, as the case may be; or~~

C. ~~by any Organisation registered or exempt from registration under the *Charitable Collections Act 1934*, who are graduates or graduands of a recognised University or who hold a diploma of a recognised body and are engaged in any of the following callings or avocations whether as principal or assistance employees or employees in training;~~

~~Bacteriologist, Pathologist, Medical Scientist, Scientific Officer, Bio-medical Engineer, Physician, Surgeon, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupation Therapist, Music Therapist, Dietitian, Physiotherapist, Chiropodist (or Podiatrist), or Remedial Gymnast, together with such other employees who are engaged or usually engaged in the callings or avocations of Chiropodist (or Podiatrist) or Remedial Gymnast, whether as principal or assistance employees or as employees in training and who hold a certificate of a Technical College or of any institution deemed by the employer to be of a similar standing; or~~

D. ~~in regional offices of any Department of State or corporation or body established by statute administering or providing health services in the State of New South Wales including such persons whose employment fulfils a function of a regional nature but who, due to the nature of their duties are not employed within the precincts of that office, and in or by area or community health services (howsoever called) where these area or community health services have replaced services carried on or provided by a person or body referred to in B. above; or~~

E. ~~by the Home Care Service of New South Wales;~~

(iii) ~~persons eligible for membership of the Health and Research Employees Association of Australia (NSW Branch) who are employed by the employing authority for each of the following hospitals, mental hospitals, hospital dispensaries, medical schools, laboratories, colleges, industrial and other similar homes, ambulance work (including first aid work), general nursing reception homes, sanatoriums, rest homes, which are wholly or partly controlled by the Board of Health, nonresidential special schools and the Universities shall not be eligible to join the Union;~~

~~(iv) persons engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or in calculating, billing and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men shall not be eligible to join the Union; and~~

(d) The Union in the State of New South Wales shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittee of the functions, whole or in part of the Hunter Water Corporation employed in the State of New South Wales; and

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(e) The Union in the State of New South Wales shall consist of:-

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(i) Persons of good character who are employed ~~in the State of New South Wales:~~

~~6. on the salaried staff of the Commissioner for Railways; or~~

~~7. on the salaried staff of the Commissioner for Government Transport; or~~

• on the salaried staff of the Commissioner for Motor Transport; or

~~8. on the salaried staff of The Electricity Commission of New South Wales;~~
or

~~9. as salaried staff in connection with air transport;~~

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(ii) Persons who, while being of any class specified in ~~paragraph 1-part (i)~~ above and while being members of the Union, are temporarily regressed to the wages staff of the employer;

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(iii) Persons who are employed on the staff of the [NSW Services Union] and who become and remain members of the [NSW Services Union] pursuant to the Rules;

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(iv) Persons who become associate life members of the [NSW Services Union] pursuant to sub-rule (b) of Rule 24 of these Rules; of the [NSW Services Union], or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and

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(gf) Any person who is an employee or officer of the [NSW Services Union] in the State of New South Wales is eligible to belong to the [NSW Services Union].

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Proposed alteration to AMACSU Eligibility Rules

PART XXVI

(a) The Union in the State of New South Wales shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and

(b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors,

assignees or transmitters of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and

- (c) The Union in the State of New South Wales shall consist of any person, employed in the State of New South Wales, on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union in the State of New South Wales, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the [NSW Services Union].
- (d) The Union in the State of New South Wales shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmitter of the functions, whole or in part of the Hunter Water Corporation employed in the State of New South Wales; and
- (e) The Union in the State of New South Wales shall consist of:-
- (i) Persons of good character who are employed in the State of New South Wales:
 - on the salaried staff of the Commissioner for Railways; or
 - on the salaried staff of the Commissioner for Government Transport; or
 - on the salaried staff of the Commissioner for Motor Transport; or
 - on the salaried staff of The Electricity Commission of New South Wales; or
 - as salaried staff in connection with air transport;
 - (ii) Persons who, while being of any class specified in part (i) above and while being members of the Union, are temporarily regressed to the wages staff of the employer;
 - (iii) Persons who are employed on the staff of the [NSW Services Union] and who become and remain members of the [NSW Services Union] pursuant to the Rules;
 - (iv) Persons who become associate life members of the [NSW Services Union] pursuant to sub-rule (b) of Rule 24 of these Rules of the [NSW Services Union], or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and
- (f) Any person who is an employee or officer of the [NSW Services Union] in the State of New South Wales is eligible to belong to the [NSW Services Union].

Amalgamated ASU (SA) State Union (“SA ASU”)

Current SA Rules

5 - ELIGIBILITY

Part A – SASLA

Any person employed as a lawyer in South Australia is entitled to be a member of the Association together with such other persons, whether lawyers or not, as have been elected to the council of the Association and who have been admitted as members hereof, save and except that the following

persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Association;

- (1) any person who is a principal in a firm of legal practitioners;
- (2) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
- (3) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
- (4) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
- (5) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.

Part B – AMACSU (SA) SACA Branch

Without limiting to generality of the foregoing or being limited in any way by the foregoing members of the Association shall be open to;

- (1) Persons engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

- (a) in any clerical capacity
- (b) either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
- (c) either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
- (d) on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
- (e) as salesman, tracer, draughtsman, or in any similar technical capacity.
- (f) as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
- (g) engaged outside an office in any clerical capacity or as a metre reader;

- (h) engaged as depot superintendent by any Oil Company;
- (i) engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
- (j) engaged as two-way radio operator in connection with a fleet of motor vehicles;
- (k) engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
- (l) engaged in any combination of the above.

Part C – ASU (SACS, SA)

Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Association shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work:-

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

- Government Management and Employment Act 1985
- SA Health Commission Act 1967
- SA Housing Trust Act 1963-73
- SA College of Advanced Education Act 1982
- Children Services Act 1984
- Alcohol and Drug Addicts Treatment Board Act 1961-71
- Mental Health Act 1935-74
- Parks Community Centre Act 1981
- Or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Association shall also be open to persons who have been appointed officers of the Association whether employed in the occupation and industries referred to in rule 5 eligibility.

Tracked Changes

PART XXVII

- (a) Any person employed as a lawyer in the State of South Australia is entitled to be a member of the ~~Association~~Union together with such other persons, whether lawyers or not, as have been elected to the council of the ~~Association~~[SA Union] and who have been admitted as members hereof, save and except that the following persons, excluding

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only such elected persons as ~~refereed~~referred to hereinbefore, shall not be eligible for membership of the ~~Association~~Union in the State of South Australia;

- (i) any person who is a principal in a firm of legal practitioners;
 - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
 - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
 - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
 - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting ~~to~~the generality of the foregoing or being limited in any way by the foregoing members of the ~~Association~~Union in the State of South Australia shall be open to;

(i) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

1. any person so engaged in any clerical capacity
2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
5. as salesman, tracer, draughtsman, or in any similar technical capacity.
6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
7. engaged outside an office in any clerical capacity or as a metre reader;

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8. engaged as depot superintendent by any Oil Company;

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~~9.1.~~ 9. engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;

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~~10.2.~~ 10. engaged as two-way radio operator in connection with a fleet of motor vehicles;

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~~11.3.~~ 11. engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;

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~~12.4.~~ 12. engaged in any combination of the above.

(c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the AssociationUnion shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work ~~-~~ in the State of South Australia;

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PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

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Government Management and Employment Act 1985

SA Health Commission Act 1967

SA Housing Trust Act 1963-73

SA College of Advanced Education Act 1982

Children Services Act 1984

Alcohol and Drug Addicts Treatment Board Act 1961-71

Mental Health Act 1935-74

Parks Community Centre Act 1981

Or any other Acts which replace or amend them.

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Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the AssociationUnion shall also be open to persons who have been appointed officers of the Association[SA Union] whether employed in the occupation and industries referred to in rule 5 eligibility.

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Proposed alteration to AMACSU Eligibility Rules

PART XXVII

(a) Any person employed as a lawyer in the State of South Australia is entitled to be a member of the Union together with such other persons, whether lawyers or not, as have been elected to the council of the [SA Union] and who have been admitted as members

hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;

- (i) any person who is a principal in a firm of legal practitioners;
 - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
 - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
 - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
 - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting the generality of the foregoing or being limited in any way by the foregoing members of the Union in the State of South Australia shall be open to;
- (i) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

1. in any clerical capacity
2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
5. as salesman, tracer, draughtsman, or in any similar technical capacity.
6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
7. engaged outside an office in any clerical capacity or as a metre reader;
8. engaged as depot superintendent by any Oil Company;
9. engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
10. engaged as two-way radio operator in connection with a fleet of motor vehicles;
11. engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
12. engaged in any combination of the above.

- (c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Union shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work in the State of South Australia:

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
SA Health Commission Act 1967
SA Housing Trust Act 1963-73
SA College of Advanced Education Act 1982
Children Services Act 1984
Alcohol and Drug Addicts Treatment Board Act 1961-71
Mental Health Act 1935-74
Parks Community Centre Act 1981
Or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Union shall also be open to persons who have been appointed officers of the [SA Union] whether employed in the occupation and industries referred to in rule 5 eligibility.

Exhibit List – DS4

A copy of the documents referred to in paragraph 13 of the declaration and in particular the action taken under the rules of the ASU was:

- (a) At the National Executive meeting on of July 2012 the agenda included a draft 158A application for discussion by the National Executive.
- (b) The National Executive instructed the National Secretary to progress the 158A application in consultation with Branch Secretaries.
- (c) Consultation was completed with the Branch Secretaries on the October 2012. in accordance with rule 49 ;
- (d) On November 2012 the wording of the proposal for amendment was forwarded by the National Secretary to the Branch Secretaries and to the National Executive members 14 days prior to the National Executive meeting in accordance with rule 49;
- (e) On October 2012 the National Secretary gave 24 days notice of the National Executive meeting to be held on November 2012 in accordance with rule 8(g);
- (f) On November 2012 the National Executive convened with a quorum in accordance with rule 8(i);
- (g) At the meeting, the National Executive passed unanimously the following resolution:

“The National Executive having considered the proposal to alter the eligibility rules of the ASU under section 158A of FW(RO)A, in accordance with rule 49, resolves that the National Secretary is directed to make application to alter the eligibility rules of the ASU in accordance with the proposal”;

“The National Executive, directs the National Secretary, in the event that Fair Work Australia determines in relation to the 158A application to only award in part the amendments sought in the proposal, to as necessary amend the application to alter the eligibility rule to reflect the FW determination.”

14.0 RULE CHANGES

14.2 • STATE UNIONS & COUNTERPART UNION STATUS – 158A COVERAGE

David Smith will present the report.

DRAFT application for consideration of the National Executive attachment included.

Recommendation:

Moved:

Seconded:

Form F68A Application for Consent to the Alteration of Eligibility Rules of an Organisation by General Manager

IN FAIR WORK AUSTRALIA

FWA use only

FWA Matter No.:

APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION BY GENERAL MANAGER

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009—paragraph 125B (1) (a)

Applicant Organisation

Name:	Australian Municipal, Administrative, Clerical and Services Union		
	ABN:	28519971998	
Address:	Ground Floor, 116-124 Queensberry Street		
Suburb:	Carlton South	State: VIC	Postcode: 3053
Contact person:	David Smith		
Title:	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify: National Secretary		
Telephone:	03 9342 1400	Mobile:	
Fax:	03 9342 1499	Email:	dsmith@asu.asn.au

The Applicant applies for consent to the alteration of the eligibility rules of the organisation to extend them to apply to persons within the eligibility rules of an association of employers or employees that is registered under a State or Territory industrial law as follows:

PART XXIV [QLD SERVICES]

(a) The Union shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors, Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not, and admitted as members thereof in the State of Queensland.

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Deleted: together with such other persons as have been appointed officers of the Association

(b) The Union in the State of Queensland shall consist of and be open to:-

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(i) Architects and Naval Architects.

(ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers,

Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.

- (iii) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
- (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
- (v) Tracers.
- (vi) Aircraft Inspectors and Examiners (other than inspectors and inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
- (vii) Technical Assistants and Technical Officers.
- (viii) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
 1. Scientists and scientific assistants (other than those employed by the Crown).
 2. Town, Country and Regional planners and planning assistants (other than those employed by the Crown).
 3. Such other persons appointed full-time officers, industrial officers or Organisers of the Association, shall be admitted as Associate Members of the Association.

(ix) Before any applicant may be admitted to membership of the Union in the State of Queensland, the person shall:

1. Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Union; or

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2. Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Union; or Deleted: Association
 3. Be undergoing a course of training in a profession or calling covered by the Union; or Deleted: Constitution
 4. Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Union. Deleted: Constitution
- (c) (i) The Union in the State of Queensland shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
1. employees who are principally engaged in administrative and/or clerical duties;
 2. employees who are principally engaged in professional and/or managerial duties;
 3. employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 4. employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
 5. employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.
- (ii) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule d(i) hereof shall not be eligible for membership of the Union and shall not be represented by the Union. Deleted: IIA(a)
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- (d) The Union in the State of Queensland shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution. Deleted: Membership of the Union shall also include persons who have been appointed officers of the Union, whether employed in social welfare work or not.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by

governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individuals families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, groupwork, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

- (e) The Union in the State of Queensland shall not, on and from the 22 November 2001 (for the purpose of this Part “agreement day”), be entitled to enrol into membership on and from agreement day persons who were up to and including the day immediately preceding agreement day eligible to become members of the Union only by the operation of this part (excluding this sub-clause), provided that the Union shall remain entitled to retain as members, and to continue to industrially represent, those persons who became members pursuant to this Part on or before the day immediately preceding agreement day and who were members of the Union on the day immediately preceding agreement day.

The Union in the State of Queensland shall consist of an unlimited number of Sales Representatives, Commercial Travellers and Van Salesmen who apply to become members and remain as such in accordance with these rules.

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For the purpose of these rules members shall be generally a person employed substantially away from the employer’s business, in or for the purpose of selling by soliciting orders for promoting business through merchandising or any other means for wholesale and without limiting the ordinary meaning of the foregoing shall include:-

Persons employed substantially away from the employer’s business:-

- (i) for the purpose of selling by soliciting wholesale orders for articles, goods, services, merchandise or materials.
 - for wholesale
 - for use in connection with the production and/or preparation and/or distribution of commodities for wholesale
- (ii) for the purpose of selling by soliciting wholesale orders for building material and supplies from building, tiling, painting, glazing or electrical contractors.
- (iii) for the purpose of selling by soliciting wholesale orders for technical and commercial services.
- (iv) for the purpose of promoting wholesale business by any means whatsoever, excluding clerical employees.

- (v) for the purpose of selling by soliciting orders for advertising space, for newspapers, radio, cinema and television.
- (vi) for the purpose of soliciting orders for finance for investment in registered Building Societies.
- (vii) for the purpose of creating and/or soliciting orders for printing and/or any work appertaining to a printing establishment.

Persons engaged in the calling of Van Salesmen shall for the purpose of these rules be deemed to be Sales Representatives and/or Commercial Travellers.

- (f) (i) All salaried employees of the Commissioner for Railways for the State of Queensland shall be eligible for membership.
- (ii) In addition, this Union in the State of Queensland shall be composed of persons who are full time officers of the Union, life members, associate members, persons who are duly proposed and accepted by the Council of the Union employed by the Queensland Railways in the following list of callings:-

Deleted: The Guild shall also be composed of persons who are full time officers of the Guild, employees of the Guild and life members. ¶
¶
The Guild shall raise funds by contributions, levies, fines and donations for the objects hereinafter specified. ¶

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants
Yard Foreman	Weighbridgemen
Yard Supervisors	Flagmen
Traffic Foremen	Advertising Branch Wages Staff
Ticket Inspectors	Labourers
Traffic Inspectors	

Deleted: LIST OF CALLINGS ¶

Any other employee who is entitled to vote for the traffic employees representative on the Appeal Board.

- (g) The following persons shall be eligible for membership who are persons resident in Queensland north of 22 degrees 30 minutes of south latitude from the Western Border to the Sea Coast:

Persons employed either wholly or partially in the pursuit or vocation of writing engrossing typing and/or calculating whether by ordinary means or by means of any process or machine calculated to achieve a like result and/or in invoicing charging, billing, checking or otherwise dealing with records, writings, correspondence, books and accounts or in any other clerical capacity whatsoever and/or cashiers and/or telephonists and/or superintendents,

Deleted: male and female

canvassers and/or Collectors and/or Inspectors employed by Life Insurance Companies and/or Fire and Accident Insurance Companies operating in the State of Queensland and/or Funeral Benefit Canvassers and/or Collectors.

Provided that persons employed at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) and engaged in clerical work shall not be eligible for membership.

Nothing in this Part shall make eligible for membership, any employee employed in or in connection with tourist resorts situated on islands off the coast of Queensland north of 24 degrees 30 minutes of south latitude, as part of the island tourist resort industry, other than employees (eligible to become a member of the Union in accordance with these rules) of employers whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided on an off shore island.

Notwithstanding any other provision of this Part, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Union.

PART XXV [TOGETHER QLD]

Membership of the Union shall consist of all members of the Federation resident in Central and Southern Queensland, and persons admitted in accordance with these Rules, and without limiting the generality of the above the following persons, shall be eligible for membership, namely, persons employed either wholly or partially in the pursuit or vocation of writing, engrossing, typing, and/or calculating, whether by ordinary means or by means of any process or machine calculated to achieve a like result; and/or in invoicing, billing, charging, checking or otherwise dealing with records, writings, correspondence, books and accounts or in any other clerical capacity whatsoever, and switchboard attendants; and Superintendents, Inspectors, Canvassers and/or collectors employed by Life Insurance Companies and/or Fire and Accident Companies; and/or Funeral Benefit Canvassers and/or Collectors; and Canvassers and/or Collectors employed by Medical Benefit Funds.

Nothing in this sub-rule shall make eligible for membership, any employee employed in or in connection with tourist resorts situated on islands off the coast of Queensland north of 24 degrees 30 minutes of south latitude, as part of the island tourist resort industry, other than employees (eligible to become a member of the Union in accordance with these rules) of employers whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided on an off shore island.

Notwithstanding any other provision in this sub-rule, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Union.

Provided that this sub-rule does not make eligible for membership any person who would otherwise be eligible under this part, but who carries out their employment in the portion of the State of Queensland north of the line which is 22 degrees 30 minutes of south latitude extending from the western border to the sea coast.

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Deleted: shall consist of:

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Deleted: (a) (i) Ordinary Members. Persons permanently or temporarily engaged in ¶ either a full-time or a part-time capacity by the State Government or (in relation to the Crown in right of the State) any Crown Corporation, Crown Instrumentality or Minister representing the Crown or by any Statutory Corporation of which fifty per cent or more of the members are appointed by the Governor-in-Council or employed in an educational institution designed as a University or a College of Advanced Education in the State of Queensland or employed in the Mater Misericordiae Hospitals, or The Australian Red Cross Society, Queensland Division, Blood Transfusion Service, in professional or technical activities all of whom have been duly admitted by the Executive as hereinafter provided.¶

¶ (ii) Employees permanently or temporarily engaged in either full-time or part-time capacity in professional or technical activities as Cadets, Assistants, Drafting Officers, Dietitians/ Nutritionists, Laboratory Technician, Occupational Therapists, Physiotherapists, Podiatrists, Psychologists, Recreation Officers, Scientists or Speech Therapists who have been duly admitted by the Executive as hereinafter.¶

¶ (iii) Notwithstanding the foregoing rules, the following classes of persons shall be eligible for membership; being persons who are employed in the Private Pathology Industry and who may be employed in the capacity of scientists, technicians, laboratory assistants, attendants, employees engaged in any clerical functions within the laboratory or which are directly associated with the technical functioning of a laboratory as well as electrical, electronic and instrument tradesperson, technicians and assistants thereto.¶

¶ (iv) Non vision impaired employees who are permanently or temporarily engaged in either a full-time or part-time capacity with Vision Queensland.¶

¶ (b) Continuing Members. Members of the Union who have retired or who have left their employment in an industry within the coverage of the Union or who have been retrenched may upon application become members of the Continuing Section. ¶

¶ Provided that no such Continuing Member may be represented by the Union in ... [1]

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PART XXVI [NSW USU]

(a) The Union in the State of New South Wales shall consist of an unlimited number of persons who are -

(i) ~~employees of -~~

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1. Municipal, Shire and County Councils;
2. any contractor to any such Council;
3. any body, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
4. any body, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
5. any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of this Union or eligible to become members thereof;

(ii) employees of Waste Planning and Management Boards and the successors;

(iii) employees of Australian Health Management Group Pty Ltd and their successors;

(iv) persons upon whom life membership of the Union has been conferred in accordance with these Rules;

(v) persons who while being members of the Union, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:

(vi) persons, whether employed in the industry or not, who have been elected or appointed officers of the Union, and who have been admitted as members of the Union.

(b) The Union in the State of New South Wales shall consist of all persons, ~~engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors,~~

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Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia

Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

PART XXVII [NSW SERVICES]

- (a) The Union shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and
- (b) The Union shall consist of all persons employed as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and
- (c) No person shall be admitted as a member of this Union under this Part unless they are by the nature of their occupation or employment of the class of which this Union in the State of New South Wales under this part is constituted, that is to say, unless:-
 - (i) They are a duly certified clerk under the *Local Government Act, 1919*, or any Act amending the same; or
 - (ii) They are entitled upon application to receive a certificate as such Local Government Clerk; or
 - (iii) They are otherwise entitled under the law for the time being in force to occupy the position of town or shire or county clerk.
- (d) The Union in the State of New South Wales shall consist of any person employed or usually employed on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the Union.

Excepting that:

- (i) Persons eligible to be members of the Federated Miscellaneous Workers' Union of Australia (NSW Branch) as at 26 September 1986 shall not be eligible to join the Union; provided that this exclusion will not apply, to the extent it might otherwise, to persons employed.
 - 1. As coordinators in a multipurpose neighbourhood centre that encompasses a child care facility;

2. In residential child care services providing welfare and social support in a residential setting (including family group homes or institutional care for children) where such services are distinct from:
 - Sessional care to pre-school children, long day care, extended hours care or 24 hours care;
 - Before and after school care;
 - Playgroups;
 - Occasional care;
 - Vacation care;
 - Multipurpose child care;
 3. As community development workers;
 4. In family counselling and support services;
 5. In women's and youth refuges;
 6. As family day care coordinators and family day care child development.
- (ii) Persons shall not be eligible to join the Union if they are eligible for membership of the Public Service Association of NSW and are employed:
1. Pursuant to the provisions of:
 - the *Public Service Act of 1979*; or
 - the *Health Commission Act 1972*; or
 - the *Health Administration Act 1982*; or
 - any Act replacing the said Acts; or
 2.
 - in or by any Department, body, Organisation or group within the terms of the *Public Service Act 1979* or any Act replacing that Act irrespective of whether it remains or continues to be a department, body, Organisation or group in terms of the said Act; or
 - in or by any Declared Authority within Schedule 3 of the *Public Service Act 1979*, on or before 19 November 1985 irrespective of whether it remains or continues to be a declared authority in terms of the said Act; or
 - as a ministerial employee; or
 - by Ministers of the Crown in right of the State of NSW or in the offices of such Ministers; or
 - by the Electricity Commission of NSW; or
 - by the Grain Handling Authority; or
 - by the Water Resources Commission; or
 - by for Main Roads; or
 - by the Commissioner for Motor Transport; or
 - by the Home bush Abattoir Corporation; or
 - by hospitals included in the 2nd, 3rd or 5th schedule of the *Public Hospitals Act 1929*, or any Act replacing it, by the Public Hospitals or by public dental clinics; or

- by Colleges of Advanced Education; or
 - by the University of New South Wales, the University of Wollongong, the University of Newcastle, or any other University formed from a college of these Universities; or
 - in or by the Legislative Assembly and/or Legislative Council of the State of New South Wales; or
 - by the New South Wales Egg Corporation; or
 - by any New South Wales Education Commission or its agents; or
 - by any person as an Associate to a Justice; or
 - at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunization Centre; or
 - in or by:
 - The Drug and Alcohol Authority New South Wales
 - State Cancer Council
 - The United Hospitals Auxiliary
 - The Institute of Psychiatry;
 or
 - in or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales; or
 - in or in connection with the provision of medical services in penal or like establishments deemed or proclaimed to be a prison under the *Prisons Act 1952*, or any Act replacing the said Act; or
 - by any employer or at any place of employment replacing any of the foregoing employers or places of employment, as the case may be; or
3. by any Organisation registered or exempt from registration under the *Charitable Collections Act 1934*, who are graduates or graduands of a recognised University or who hold a diploma of a recognised body and are engaged in any of the following callings or avocations whether as principal or assistance employees or employees in training;
- Bacteriologist, Pathologist, Medical Scientist, Scientific Officer, Bio-medical Engineer, Physician, Surgeon, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupation Therapist, Music Therapist, Dietitian, Physiotherapist, Chiropodist (or Podiatrist), or Remedial Gymnast, together with such other employees who are engaged or usually engaged in the callings or avocations of Chiropodist (or Podiatrist) or Remedial Gymnast, whether as principal or assistance employees or as employees in training and who hold a certificate of a Technical College or of any institution deemed by the employer to be of a similar standing; or
4. in regional offices of any Department of State or corporation or body established by statute administering or providing health services in the State of New South Wales including such persons whose employment fulfils a function of a regional nature but who, due to the nature of their duties are not employed within the precincts of that office, and in or by area

or community health services (howsoever called) where these area or community health services have replaced services carried on or provided by a person or body referred to in B. above; or

5. by the Home Care Service of New South Wales,

- (iii) persons eligible for membership of the Health and Research Employees Association of Australia (NSW Branch) who are employed by the employing authority for each of the following hospitals, mental hospitals, hospital dispensaries, medical schools, laboratories, colleges, industrial and other similar homes, ambulance work (including first aid work), general nursing reception homes, sanatoriums, rest homes, which are wholly or partly controlled by the Board of Health, nonresidential special schools and the Universities shall not be eligible to join the Union;
- (iv) persons engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or in calculating, billing and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men shall not be eligible to join the Union; and
- (e) The Union in the State of New South Wales shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittee of the functions, whole or in part of the Hunter Water Corporation; and
- (f) The Union in the State of New South Wales shall consist of:-
 - (i) Persons of good character who are employed –
 - on the salaried staff of the Commissioner for Railways; or
 - on the salaried staff of the Commissioner for Government Transport; or
 - on the salaried staff of the Commissioner for Motor Transport; or on the salaried staff of The Electricity Commission of New South Wales; or
 - as salaried staff in connection with air transport;
 - (ii) Persons who, while being of any class specified in paragraph 1. above and while being members of the Union, are temporarily regressed to the wages staff of the employer;
 - (iii) Persons who are employed on the staff of the Union and who become and remain members of the Union pursuant to the Rules;
 - (iv) Persons who become associate life members pursuant to sub-rule (b) of Rule 24 of these Rules, or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and

- (g) Any person who is an employee or officer of the Union in the State of New South Wales is eligible to belong to the Union.

PART XXVIII [SA BRANCH]

- (a) Any person employed as a lawyer in South Australia is entitled to be a member of the Union together with such other persons, whether lawyers or not, as have been elected to the council of the Union and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;

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- (i) any person who is a principal in a firm of legal practitioners;
- (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
- (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
- (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
- (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.

- (b) Without limiting to generality of the foregoing or being limited in any way by the foregoing members of the Union in the State of South Australia shall be open to;

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- (i) Persons engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:
 - any person so engaged
 - 1. in any clerical capacity
 - 2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
 - 3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
 - 4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise

dealing with records, or in any other clerical capacity whatsoever.

5. as salesman, tracer, draughtsman, or in any similar technical capacity.
 6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
 7. engaged outside an office in any clerical capacity or as a metre reader;
 8. engaged as depot superintendent by any Oil Company;
 - engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
 - engaged as two-way radio operator in connection with a fleet of motor vehicles;
 - engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
 - engaged in any combination of the above.
- (c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Union shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work in the State of South Australia:-

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PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
SA Health Commission Act 1967
SA Housing Trust Act 1963-73
SA College of Advanced Education Act 1982
Children Services Act 1984
Alcohol and Drug Addicts Treatment Board Act 1961-71
Mental Health Act 1935-74
Parks Community Centre Act 1981
Or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Union shall also be open to persons who have been appointed officers of the Union whether employed in the occupation and industries referred to in rule 5 eligibility.

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Deleted: Association

(d) *Part E – Business Equipment*

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed wholly or partly in the servicing, repairing, maintaining, structurally altering and/or assembling business equipment, excluding typewriters excepting persons employed in or in connection with the manufacture of photographic supplies and materials and employees in photographic establishments and excepting persons who are eligible for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union under rules 1A, 1B, 1C, 1F and / or II and excepting persons who are eligible to members of the Electrical Trades union of Australia, South Australian Branch. Without limiting the generality of the foregoing, the term “business equipment” shall be deemed to include, inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

Part F – Shipping Industry

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed on the weekly or salaried staff of any shipping company, ship owner, shipping agency, non-vessel operating container carrier (NVOCC), ship charter, ship broker, shipping and/or chartering agency, non-vessel operating container (NVOCC) agency, cargo consolidator, shipping conference, classification society, marine consultant or service organisation, travel agency (any business which is involved in wholesale and/or retail selling of travel, together with ancillary functions), or shipping department or travel department of an employer with other business interests and who are not eligible for membership in any existing registered organisation limiting its membership solely to those employed in the shipping or travel industry.

Part G – Health Insurance

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in the business of health insurance, with the exception of those persons engaged by Medicare Australia, Commonwealth Bank Health Society, or Reserve Bank Health Society.

Part H – Energy

Without limiting the generality of the foregoing or being in any way limited by the foregoing, the Union shall also consist of an unlimited number of bona fide employees who are employed in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work of the following employers:

ETSA Corporation;

ETSA Power Pty Ltd;

ETSA Utilities Pty Ltd;

Transmission Lessor Corporation (trading as Electranet SA);

SA Generation Corporation;

Optima Energy Pty Ltd;

Flinders Power Pty Ltd;

Synergen Pty Ltd;
Terra Gas Trader Pty Ltd;

hereinafter referred to in this part as the “publicly owned employers”;
Or any subsidiary or joint venture of the publicly-owned employers;
Or any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers where immediate or not;
Or any subsidiary or joint venture of any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not;

Or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999 as follows:

“Employers are related for the purposes of this Section if –

- a. One takes over or otherwise acquires the business or part of the business of the other; or*
- b. They are related bodies corporate within the meaning of the Corporations Law; or*
- c. A series of relationships can be traced between them under paragraph (a) or (b)”;*

Or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions, or services undertaken previously by the publicly-owned employers or undertaken previously by any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not.

Provided that, where such employees are employed by a publicly-owned employer which subsequently becomes privately controlled through a sale or lease, or any subsidiary or joint venture of the publicly-owned employers, or any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers, whether immediate or not, or any subsidiary or joint venture of any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers, whether immediate or not, or any employers defined in Section 24(14) of the Electricity Corporations (Restructuring and Disposal) Act 1999, or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions or services undertaken previously by the publicly-owned employers, or undertaken previously by any successor, assignee or transmittee of the business or part of the business of the publicly-owned employers whether immediate or not, such employee will not be eligible to be members of the Union under this part, unless the subsidiary or joint venture, successor, assignee, transmittee or employer is performing a substantial part of the same activity in or in connection with the South Australian Electricity industry, as work performed by the publicly-owned employers prior to becoming privately controlled through a sale or lease and the employees are performing some or all of the activities which were undertaken by the publicly-owned employers; and provided further that employees eligible to be members of the Electrical Trades Union of Australia (South Australian Branch) pursuant to its Eligibility Rules as at 1 October 2000, and/or employees of electrical and communication contractors who are employed an/or classified as general skilled workers as defined in the ETSA (Wages) Award 1990, or who perform line tree clearance work, or employees whose employment requires electrical skills as a requirement for their work and work perform electronic trades work, electronic communication work, electrical trades work, electrical trades assistants work, electrical fitting work, electrical mechanic work, electrical/electronic cable jointing work, power line trade skilled work,

mechanical trades work, electrical meter repair work, or who also co-ordinate work teams as an ancillary function to their performance of any of the above primary work shall not be eligible to be members of the Union; and provided further that under this part employees eligible to be members of the Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union of Australia (the AMWU) and who are performing mechanical and fabrication trades person or trade assistant's work shall not be eligible to be members of the Union.

Part I - Contractors

Without limiting the generality of the foregoing, or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

Part J – NRM Boards

Without limiting the generality of the foregoing, or being limited thereby, employees of Animal Plant Control Boards, NRM Boards or their successors in any of the following capacities:

- *Clerical*
- *Administrative*
- *Professional*
- *Managerial*
- *Regulatory*
- *Environmental, or*
- *Technical (including overseers, foremen and other supervisory officers)*

Part K – Officers of the Union

Without limiting the generality of the foregoing, or being limited thereby, all persons who have been appointed officers of the Union, whether employed in any part of this Rule or not, shall be eligible for membership of the Union.”

Date:

Signature or Common Seal:

Note 1: The application must:

1. be accompanied by a copy of the rules of the organisation and a copy of the rules of the association to which the organisation is the federal counterpart; and
2. set out the alteration, the reasons for the alteration and the effect of the alteration in sufficient detail to enable the General Manager to satisfy himself or herself that:
 - (a) the alteration has been made under the rules of the organisation; and
 - (b) the organisation is a federal counterpart of the association; and
 - (c) the alteration will not extend the eligibility rules of the organisation beyond those of the association; and
 - (d) the alteration will not apply outside the limits of the State or Territory for which the association is registered; and
 - (e) the association of employers or employees actively represents the class or classes of employers or employees to which the extension of eligibility rules will apply.
3. include a declaration:
 - (a) that the alteration was made in accordance with the rules of the organisation; and
 - (b) describing the action taken under the rules of the organisation to make the alteration; and

(c) verifying the facts stated in the application.

Note 2: An application must be sealed with the Common Seal of the organisation or be signed by a person authorised to sign the application. See regulation 13 of the *Fair Work (Registered Organisations) Regulations 2009*.

Note 3: An organisation that has a website must publish on the website a notice that it has lodged the application.

- (a) (i) Ordinary Members. Persons permanently or temporarily engaged in either a full-time or a part-time capacity by the State Government or (in relation to the Crown in right of the State) any Crown Corporation, Crown Instrumentality or Minister representing the Crown or by any Statutory Corporation of which fifty per cent or more of the members are appointed by the Governor-in-Council or employed in an educational institution designed as a University or a College of Advanced Education in the State of Queensland or employed in the Mater Misericordiae Hospitals, or The Australian Red Cross Society, Queensland Division, Blood Transfusion Service, in professional or technical activities all of whom have been duly admitted by the Executive as hereinafter provided.
- (ii) Employees permanently or temporarily engaged in either full-time or part-time capacity in professional or technical activities as Cadets, Assistants, Drafting Officers, Dietitians/ Nutritionists, Laboratory Technician, Occupational Therapists, Physiotherapists, Podiatrists, Psychologists, Recreation Officers, Scientists or Speech Therapists who have been duly admitted by the Executive as hereinafter.
- (iii) Notwithstanding the foregoing rules, the following classes of persons shall be eligible for membership; being persons who are employed in the Private Pathology Industry and who may be employed in the capacity of scientists, technicians, laboratory assistants, attendants, employees engaged in any clerical functions within the laboratory or which are directly associated with the technical functioning of a laboratory as well as electrical, electronic and instrument tradesperson, technicians and assistants thereto.
- (iv) Non vision impaired employees who are permanently or temporarily engaged in either a full-time or part-time capacity with Vision Queensland.
- (b) Continuing Members. Members of the Union who have retired or who have left their employment in an industry within the coverage of the Union or who have been retrenched may upon application become members of the Continuing Section.
- Provided that no such Continuing Member may be represented by the Union in any proceeding or matter pursuant to the Industrial Relations Act 1999 or as amended.
- (c) Honorary Members. Persons not eligible for ordinary membership or Continuing Members Section membership. The number shall not exceed 10.
- (d) Life Members. Members who have given distinguished service to the Union and who have been elected as life members on the recommendation of the Council at an Annual Meeting.
- (e) Staff Members. Persons employed by the Union as General Secretary, Assistant General Secretary, Deputy General Secretary, Director, Industrial Services, Principal Industrial

Officer, Senior Industrial Officer, Industrial Officer, Assistant Industrial Officer, Research Officer or Organiser or in any other capacity.

- (f) Student Members. Persons who are studying in a discipline wherein having qualified they will be eligible for membership of the Union pursuant to sub-rule (a) or sub- rule (aa) hereof.

PROVIDED THAT Retired Members, Honorary Members and Life Members who were members of those categories of the Queensland State Service Union or the Queensland Professional Officers' Association and continuing members of the Queensland State Service Union who were members of that category of Queensland State Service Union as at 31st December, 1992, shall continue to be members of the Union pursuant to sub-rules 6B (b), (c) and (d) hereof.

Further provided that persons eligible for membership of the United Firefighters' Union of Australia, Union of Employees, Queensland, such eligibility to be determined under Rule 5 of the Rules of the United Firefighters' Union of Australia, Union of Employees, Queensland being the form of the said Rule 5 to which consent was given by the Queensland Industrial Relations Commission on 27 May 1994, shall not be eligible for membership of the Union.

17. Rule 37.a. i., delete the words "The National Executive President".
18. Rule 40. a., delete the words "National Executive President".
AND
Rule 40. g., delete the words "National Executive President".
19. Rule 41. d. add "South Australian and Northern Territory Branch"

AND
delete "Queensland Services Branch and substitute "Queensland (Services and Northern Administrative) Branch"
20. Rule 42. a., delete the words "Subject to Rules 14 and 16, Casual Vacancies shall be filled in accordance with this Rule."
AND
Rule 42. c. i., delete the words "National Executive President".
21. Rule 46. a., delete the words ", National Executive President" in the third line and the words "and the National Executive President" in the fourth line.
AND
Rule 46. b., delete the words "And the National Executive President" in the lines three and four, and delete the words "or the National Executive President" in lines four and five.
AND
Rule 46. c., delete the words "or the National Executive President" in the first line.
AND
Rule 46. d., delete the words "or the National Executive President" in the second and sixth line.
22. Rule 47. b., delete the words "or the National Executive President" in the fourth and fifth line.
AND
Rule 47. c., delete the words "or the National Executive President" in the fourth, fifth and sixth line.
23. Rule 48. delete the words "and the National Executive President" in the last line.
24. Rule 53. b. ii, delete the words "and the National Executive President" in the second line."

Moved: Ruth McFarlane
Seconded: Brian Parkinson

MOTION WAS PUT AND DECLARED CARRIED

14.2 • STATE UNIONS & COUNTERPART UNION STATUS – 158A COVERAGE

David Smith provided an updated report and where at since the last meeting.

David Smith recommended changing the rules within the timeframe of the current residing Government.

National Executive considered the application.

Recommendation:

"That:
The report be received and noted.
The arrangement be entered into.
The National Secretary to discuss the rule changes with Branch Secretaries."

Moved: David Smith
Seconded: Michael Flinn

MOTION WAS PUT AND DECLARED CARRIED

Mariana Podgorski

From: Mariana Podgorski
Sent: Monday, 12 November 2012 5:14 PM
To: National Executive
Cc: Kellie Gale; Donna Cooper; Connie Cachia; Jane Grey; 'Tracey Mogno'; Katherine Sutton; Pauline Sewell
Subject: National Executive Monday 26 November, 2012, South Australian & Northern Territory Branch, Adelaide - Agenda & Meeting Information
Importance: High

TO ALL NATIONAL EXECUTIVE MEMBERS,

National Executive Agenda and papers are available to be downloaded.
However **please note** the important information provided to you below with regard to the "SAFE" site.

National Executive

Date: Monday 26 November, 2012
Time: 8:30am
Catering: Morning tea and lunch will be provided
Meeting Venue: ASU South Australian & Northern Territory Branch
5-9 Rundle Street, Kent Town, Adelaide

SAFE-elect & Agenda

The Agenda has been uploaded to SAFE. The link to SAFE-elect and to the Agenda papers is:

<http://www.asu.asn.au/safe-elect/natexec.html>

(You will need your username and password supplied previously, unless you have used it already and saved it)

The Executive papers are on the Internet but are "SAFE" because they are on a password protected section of our website. **Only National Executive** members have been provided with the necessary codes and instructions on how to use this section. If you need to have the logon passwords and instructions re-sent to you, please let me know.

Please note: due to the ASU website changeover that will occur next week, it is important that all members download the National Executive Agenda papers by this Friday 16th November.

Failure to do so may mean that the Agenda will not be available to download from the "SAFE" site next week. A date has not been confirmed that this website changeover will occur. If you have not downloaded your papers and find the site has changed, please contact me direct and I will find an alternative method.

Should you require further information, please do not hesitate to contact me.

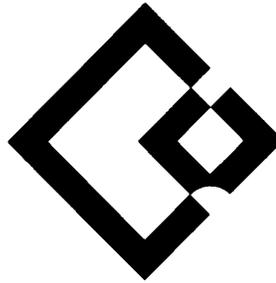
Kind regards,
Mariana Podgorski
Personal Assistant

Australian Services Union
Ground Floor | 116 Queensberry Street | Carlton South | Victoria 3053
Dir: +61 3 9342 1412 | Tel: +61 3 9342 1400 | Fax: +61 3 9342 1499 | E:
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A•S•U

NATIONAL EXECUTIVE

AGENDA

**26 NOVEMBER, 2012
GROUND FLOOR MEETING ROOM
SOUTH AUSTRALIAN & NORTHERN TERRITORY BRANCH
5-9 RUNDLE STREET, KENT TOWN**

ADELAIDE

STANDING ITEMS	No.	BY
CHANGE OF BRANCH REPRESENTATION	1.0	
ATTENDANCE	2.0	
APOLOGIES, PROXIES, OBSERVERS	2.1	
ADOPTION OF AGENDA	3.0	
FINANCIAL STATUS OF BRANCHES	4.0	
MINUTES OF NATIONAL EXECUTIVE MEETING • 18 JULY 2012	5.1	
MINUTES OF NATIONAL EXECUTIVE MEETING • 31 OCTOBER 2012 – BY TELECONFERENCE	5.2	
BUSINESS ARISING FROM MINUTES OF NATIONAL EXECUTIVE MEETING • 18 JULY 2012	6.1	
BUSINESS ARISING FROM MINUTES OF NATIONAL EXECUTIVE MEETING • 31 OCTOBER 2012	6.2	
AFFIXING THE SEAL • PROPERTY 40 BRISBANE AVE, BARTON, CANBERRA	7.0	DS
POSTAL/FAX/E-MAIL BALLOTS REPORT	8.0	DS
AGREEMENTS	9.0	DS
APPLICATIONS TO VARY	10.0	DS
DECISIONS		
FINANCE REPORT • YEAR TO DATE	11.1	DS
FINANCE REPORT • AUDITED FINANCIAL STATEMENTS (GPFR) & OPERATING REPORT 2011/2012	11.2	DS
RULE CHANGES • STATE UNIONS & COUNTERPART UNION STATUS – 158A COVERAGE	12.0	DS
NATIONAL EXECUTIVE VENUE & DATES FOR 2013	13.0	DS
REPORTS FOR DECISIONS /AND OR NOTING		
NATIONAL SECRETARY'S REPORT	14.0	DS
ADMINISTRATION & RESOURCES REPORT • COMMUNICATIONS	15.1	DS
ADMINISTRATION & RESOURCES REPORT • ONLINE JOINING (ASUJOIN)	15.2	DS
ADMINISTRATION & RESOURCES REPORT • ASU NATIONAL INSURANCE PURCHASING REVIEW 2012	15.3	DS
INDUSTRIAL REPORT • AWARD MODERNISATION REVIEW	16.0	DS
ASU POLICY • CONFLICTS OF INTEREST & GIFT REGISTER	17.1	DS
ASU POLICY • FINANCIAL MANAGEMENT & ADMINISTRATION	17.2	DS
ASU POLICY • AUDIT REVIEW & ACCEPTANCE	17.3	DS
ASU REGISTER OF BOARD INTERESTS	18.0	DS
NATIONAL CONFERENCE 2012	19.0	DS
HESTA SUPERANNUATION BOARD REPORT	20.0	DS
PUBLIC SERVICES SECTOR REPORT	21.0	GMCL
PRIVATE AND COMMUNITY SECTOR REPORT	22.0	LW
ACTU EXECUTIVE REPORT	23.0	
BRANCH SERVICE AGREEMENTS	24.0	
BRANCH REPORTS	25.0	
INTERNATIONAL REPORTS	26.0	
INVITED GUEST SPEAKER: GEORGE WRIGHT NATIONAL SECRETARY AUSTRALIAN LABOR PARTY DATE: MONDAY 26 TH NOVEMBER, 2012 TIME: 11:00AM		

MINUTE TAKER: MARIANA PODGORSKI

12.0 RULE CHANGES • STATE UNIONS & COUNTERPART UNION STATUS – 158A COVERAGE

David Smith will present the report.

Recommendation:

“That the National Rule changes as contained in the Agenda be agreed to and that the National Secretary be authorised to submit the rule alterations to Fair Work Australia for certification.

The National Executive resolves to apply for consent to the alteration of the eligibility rules of the organisation to extend them to apply to persons within the eligibility rules of an association of employees that are registered under a State or Territory industrial laws as follows:

PART XXIV

- (a) The Union, in the State of Queensland, shall consist of and be open to employees who are employed in the State of Queensland as:-
- (i) Architects and Naval Architects.
 - (ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
 - (iii) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
 - (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.

- (v) Tracers.
- (vi) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
- (vii) Technical Assistants and Technical Officers.
- (viii) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
- (ix) Scientists and scientific assistants (other than those employed by the Crown).
- (x) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).
- (xi) Such other persons appointed full-time officers, industrial officers or Organisers of the Queensland Services, Industrial Union of Employees, shall be admitted as Associate Members of the Union.

Before any applicant may be admitted to membership of the Union in the State of Queensland, the person shall:

1. Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Union; or
 2. Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Union; or
 3. Be undergoing a course of training in a profession or calling covered by the Union; or
 4. Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Union.
- (b) (i) The Union in the State of Queensland shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
1. employees who are principally engaged in administrative and/or clerical duties;
 2. employees who are principally engaged in professional and/or managerial duties;
 3. employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 4. employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
 5. employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.

- (ii) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule c(i) hereof shall not be eligible for membership of the Union and shall not be represented by the Union.
- (c) The Union in the State of Queensland shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work in the State of Queensland; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution.

For the purpose of this rule:

“Social welfare workers” are specialists in the provision or organisation of social welfare services. “Social welfare services” are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individual’s families or communities.

“Qualifications in social welfare work” are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, group work, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

- (d) (i) All salaried employees of the Commissioner for Railways employed in the State of Queensland shall be eligible for membership.
- (ii) In addition, this Union in the State of Queensland shall be composed of persons who are full time officers of the Queensland Services, Industrial Union of Employees, life members of the Queensland Services, Industrial Union of Employees, associate members of the Queensland Services, Industrial Union of Employees and employees employed in the State of Queensland by the Queensland Railways in the following list of callings:

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen
Checkers (All Grades)	Charwomen

Goods Shed Employees
Storemen
Yard Foreman
Yard Supervisors
Traffic Foremen
Ticket Inspectors
Traffic Inspectors

Quarters Attendants
Waiting Room Attendants
Weighbridgemen
Flagmen
Advertising Branch Wages Staff
Labourers

Any other employee, employed in the State of Queensland, who is entitled to vote for the traffic employee's representative on the Appeal Board.

PART XXV

(a) The Union in the State of New South Wales shall consist of an unlimited number of persons, employed in the State of New South Wales, who are -

(i) employees of:

1. Municipal, Shire and County Councils;
2. any contractor to any such Council;
3. anybody, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
4. anybody, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
5. any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of the Union in accordance with this Part XXV or eligible to become members in accordance with this Part XXV;

(ii) employees of Waste Planning and Management Boards and the successors;

(iii) employees of Australian Health Management Group Pty Ltd and their successors;

(iv) persons upon whom life membership of the [USU has been conferred in accordance with these Rules;

(v) persons who while being members of the Union, in accordance with this Part XXV, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:

(vi) persons, whether employed in the industry or not, who have been elected or appointed officers of the [USU, and who have been admitted as members of the [USU.

(b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, and engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

PART XXVI

- (a) The Union in the State of New South Wales shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and
- (b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, as officers (or persons employed performing the duties of officers) and persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and
- (c) The Union in the State of New South Wales shall consist of any person, employed in the State of New South Wales or usually employed in the State of New South Wales, on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union in the State of New South Wales, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the [NSW Services Union].
- (d) The Union in the State of New South Wales shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittes of the functions, whole or in part of the Hunter Water Corporation employed in the State of New South Wales; and
- (e) The Union in the State of New South Wales shall consist of:-
 - (i) Persons of good character who are employed in the State of New South Wales:
 - on the salaried staff of the Commissioner for Railways; or
 - on the salaried staff of the Commissioner for Government Transport; or
 - on the salaried staff of the Commissioner for Motor Transport; or
 - on the salaried staff of The Electricity Commission of New South Wales; or
 - as salaried staff in connection with air transport;
 - (ii) Persons who, while being of any class specified in part (i) above and while being members of the Union, are temporarily regressed to the wages staff of the employer;
 - (iii) Persons who are employed on the staff of the [NSW Services Union] and who become and remain members of the [NSW Services Union] pursuant to the Rules;

- (iv) Persons who become associate life members of the [NSW Services Union] pursuant to sub-rule (b) of Rule 24 of these Rules of the [NSW Services Union], or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and
- (f) Any person who is an employee or officer of the [NSW Services Union] in the State of New South Wales is eligible to belong to the [NSW Services Union].

PART XXVII

- (a) Any person employed as a lawyer in the State of South Australia is entitled to be a member of the Union together with such other persons, whether lawyers or not, as have been elected to the council of the [SA Union] and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;
 - (i) any person who is a principal in a firm of legal practitioners;
 - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
 - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
 - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
 - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting the generality of the foregoing or being limited in any way by the foregoing members of the Union in the State of South Australia shall be open to;
 - (i) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

1. in any clerical capacity
2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
5. as salesman, tracer, draughtsman, or in any similar technical capacity.
6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.

7. engaged outside an office in any clerical capacity or as a metre reader;
 8. engaged as depot superintendent by any Oil Company;
 9. engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
 10. engaged as two-way radio operator in connection with a fleet of motor vehicles;
 11. engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
 12. engaged in any combination of the above.
- (c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Union shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work in the State of South Australia:

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
SA Health Commission Act 1967
SA Housing Trust Act 1963-73
SA College of Advanced Education Act 1982
Children Services Act 1984
Alcohol and Drug Addicts Treatment Board Act 1961-71
Mental Health Act 1935-74
Parks Community Centre Act 1981
Or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Union shall also be open to persons who have been appointed officers of the [SA Union] whether employed in the occupation and industries referred to in rule 5 eligibility.”

Moved:
Seconded:

Mariana Podgorski

From: Mariana Podgorski
Sent: Monday, 22 October 2012 4:06 PM
To: National Executive
Cc: Kellie Gale; Donna Cooper; Connie Cachia; Jane Grey; 'Tracey Mogno'; Katherine Sutton
Subject: National Executive - Monday 26th November, 2012 - Adelaide
Attachments: NE Members Confirming Next Meet 121022.pdf

Importance: High

TO ALL NATIONAL EXECUTIVE MEMBERS,

Please find attached correspondence from David Smith, National Secretary, in regard to the National Executive Meeting to be held in Adelaide Monday, 26th November, 2012, preceding the 2012 National Conference.

If you require further information, please do not hesitate to make contact.

Cheers,
Kind regards,
Mariana Podgorski
Personal Assistant

Australian Services Union
Ground Floor | 116 Queensberry Street | Carlton South | Victoria 3053
Dir: +61 3 9342 1412 | Tel: +61 3 9342 1400 | Fax: +61 3 9342 1499 | E:
mpodgorski@asu.asn.au | www.asu.asn.au



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A•S•U

**Australian
Services
Union**

National Office
Melbourne & Sydney

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

T: (03) 9342 1400
F: (03) 9342 1499
E: info@asu.asn.au
W: www.asu.asn.au

National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White

File/Our Ref: [DS:MP:12.21](#)
Your Ref:
Please quote in reply

22nd October, 2012

National Executive Members

By Email

Dear Colleague,

**Re: NATIONAL EXECUTIVE MEETING - Adelaide
Monday, 26th November, 2012**

The next meeting of National Executive is scheduled to be held on **Monday, 26th November, 2012 in Adelaide**, preceding the 2012 ASU National Conference.

This National Executive meeting will be held in the ground floor meeting room at the South Australian & Northern Territory Branch, 5-9 Rundle Street, Kent Town.

MEETING Schedule

Monday, 26th November, 2012

8.30am to 1.00pm

AGENDA Items

If there are any items that you would like to add to the Agenda, please submit them by **close of business Tuesday, 30th October, 2012**.

ATTENDANCE / Proxies

Attached is the "Confirmation of Attendance" form. Please complete and return **no later than Friday, 16th November, 2012**. A Proxy form for members who will not be able to attend National Executive is also attached. Please return the form back to Mariana Podgorski either via fax 03 9342 1499 or email mpodgorski@asu.asn.au, at your earliest convenience.

ASU Register of Board Interests

At the last National Executive meeting, Executive discussed the policy and requested that National Office forward on the ASU Register of Board Interests Policy to all National Executive members to review and update prior to each meeting. The "ASU Register of Board Interests" is attached. Please review and return any amendments **no later than Tuesday, 30th October, 2012**, to Mariana Podgorski either via fax 03 9342 1499 or email mpodgorski@asu.asn.au,

ACCOMMODATION & Air Fares

As you would be aware group accommodation rates and air fares are being arranged as a part of this year's ASU National Conference. For further information please refer to the detailed information provided to you with National Conference correspondence.

Under the rules of the Union, National Executive members are entitled to have their expenses paid for by the National Office. An expense claim form has been attached. Please complete **after** National Executive, with receipts attached, and forward on to Craig Burgess, Office Manager, for processing.

Executive members are reimbursed the price of a **discounted** economy ticket only unless exceptional circumstances apply.

Under the rules of the Union, the Honorary National Officials and 1st Branch delegates are entitled to have their expenses paid for by the National Office – 2nd delegate costs are met by the Branch. An expense claim form has been attached. Please complete **after** National Executive with receipts attached and forward on to Craig Burgess, Office Manager, for processing.

Should you have any further queries, please do not hesitate to contact me.

Yours faithfully,



David Smith
National Secretary

Tel: +61 3 9342 1401
Mobile: 0419 644 238
E-mail: dsmith@asu.asn.au

Encl.



A•S•U

Facsimile

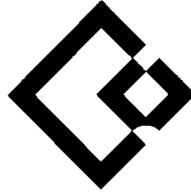
To:	National Office Melbourne
Attention:	Mariana Podgorski
FROM:	
Fax No.:	03 9342 1499
Email:	mpodgorski@asu.asn.au
Total Number of Pages:	

Confirmation of Attendance

**National Executive
Monday, 26th November, 2012
South Australian & Northern Territory Branch
5-9 Rundle Street, Kent Town
Adelaide**

Please complete and return by: Friday, 16th November, 2012

- Yes I will be attending National Executive.
- No I will not be attending National Executive.
- Proxy form is attached.



A•S•U

NATIONAL EXECUTIVE

Proxy

TO: National Chairperson
ASU National Office, Melbourne
Email: mpodgorski@asu.asn.au
Fax: 03 9342 1499

In my absence from the meeting of National Executive to be held:

on:	<input type="checkbox"/> Monday, 26th November, 2012	<i>[date/s of meeting]</i>
at:	South Australian & Northern Territory Branch 5-9 Rundle Street, Kent Town, Adelaide	<i>[location of meeting]</i>
I hereby appoint:		<i>[name of proxy]</i>
as my proxy to cast my vote at that meeting.		

Dated:	
Name:	
Branch:	
Signature:	

- k. Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- l. Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.



A•S•U

National Executive • Expense Claim Form 2012

For use by Honorary National Officials & 1st Branch delegates only – 2nd delegate costs to be met by Branch

Name: Branch:

Home Address:

..... Tel:..... (BH)

This claim is in reference to the meeting of:

**Monday, 26th November, 2012
South Australian & Northern Territory Branch
5-9 Rundle Street, Kent Town, Adelaide**

Date & time of departure from home: / AM/PM
[DATE] [TIME]

Date & time of arrival home: / AM/PM
[DATE] [TIME]

**Travel and overnight meal allowance Taxation Determination 2011-2012 (pn):
ADELAIDE: Bed \$205.00, Breakfast \$23.65, Dinner \$45.60**

Multiply relevant overnight allowance
by number of nights =... \$ _____
(The overnight allowance is for a period of 24 hours,
eg. 8.00 am Tuesday to 8.00 am Wednesday)
(Receipts must be provided)

Qantas Airfares =... \$ _____
(Receipts must be provided - only discounted fares
will be reimbursed. No E-tickets or boarding passes,
Account or credit card statements showing charges only)

Taxis =... \$ _____
(Receipts must be provided)

Total \$ _____

Please specify whom the cheque is to be made to by filling out the next section:

Cheque payable to Branch: \$ [Chq No.]

Cheque payable to you: \$ [Chq No.]

**BOARD AND COMMITTEE POSITIONS
NATIONAL ELECTED OFFICERS'**

BRANCH	Board/Committee	Nominated By	Position Term Held	Income Received
Russell Atwood National President VIC & TAS A&S Branch	Vision Super PPSL Holding Company	Branch Executive Vision Super	Since Jul 2009 Since Nov 2011	
Kath Nelson National Vice-President QLD (S&NA) Branch	ALP, Admin Committee ALP, Electoral College ALP, National Executive QCU, Vice President		1 year 1 year 1 year 1 year	Nil Nil Nil Nil
David Smith National Secretary National Office Melbourne	Member of ACTU Executive Director, Energy Super Director, Australian Discount Shopper (Union Shopper) Alternate Director, HESTA Board	Appointed by ASU National Executive Appointed by Queensland Services Union Board of Union Shopper Appointed by ASU National Executive	Until next ACTU Congress Election March, 2014 Ongoing Ongoing	Nil \$46,870 pa Nil \$33,210 max
Greg McLean Assistant National Secretary National Office Sydney	Sport & Recreation Advisory Committee for Service Skills Australia Cultural Sector Advisory Committee for Innovation and Business Skills Australia Standards Australia – Sub – Surface Utility Mapping Project Group Standards Australia – Committee EL-O52, Electrical Energy Networks, Construction & Operation Director Government Skills Australia - Industry Skills Council (and Member Local Government Industry Advisory Committee)	ASU ASU ASU Electricity Branches Standards Australia Working Group Elected by industry employers and unions	Ongoing Ongoing Complete – early 2013 Ongoing Ongoing	Nil Nil Nil Nil Nil

**BOARD AND COMMITTEE POSITIONS
NATIONAL ELECTED OFFICERS'**

BRANCH	Board/Committee	Nominated By	Position Term Held	Income Received
	Director EE-OZ Australia – Electrical Industries Skills Council	Nominated by industry employers and unions	Ongoing	Nil
	Chair & Director, Australian Local Government Training	Elected by industry employers & unions	Ongoing	Nil
	ALP NSW – Review Tribunal ALP – NSW Stronger Democracy & Social Justice Policy Caucus	According to NSW ALP Branch Rules	Ongoing	Nil
	Member, Public Services International Public Sector Working Group & Regional Network Coordinator	PSI	Ongoing	Nil
Linda White Assistant National Secretary National Office Melbourne	ACTU Executive	ASU Affirmative Action Nominee	Until next ACTU election	Nil
	ACTU Vice President	ACTU Executive	Until next ACTU election	Nil
	ACTU Finance Committee	ACTU Officers	Until next ACTU election	Nil
	Member, Australian Labor Party National Executive	By ALP National Conference Delegates	April 2007 until next ALP National Conference	Nil – Travel covered
	Director and Deputy Chair, Legalsuper	Appointed by ASU Victorian Private Sector Branch	1993 -	\$36,188 Paid to Vic Private Sector Branch
	Member, Legalsuper Investment Committee	Appointed by Legalsuper Board		
	Director, Royal Botanic Gardens Melbourne	Appointed by Victorian Minister for Environment and Sustainability	April 2007 – April 2014	\$7,680 pa
	Member, Risk Committee	Appointed by Board of RBG		
	RBG Rep on Board of Australian Centre for Urban Ecology	Appointed by Board of RBG		

**BOARD AND COMMITTEE POSITIONS
NATIONAL EXECUTIVE DELEGATES
NATIONAL STAFF & APPOINTEES**

BRANCH	Board/Committee Position	Nominated By	Position Term Held	Income Received
Julie Bignell C&SQ C&A Branch	Director, NQBP	Minister	September, 2012	
	Committee Chair, NQBP	Chair NQBP		
	Director, WHSQ	QCU	2013	
Ruth McFarlane C&SQ C&A Branch				
Justin Cooney National Office Melbourne	ASU Rep, Service Industries Skills Council Advisory Committee Tourism, Hospitality & Events	Nominated by David Smith and Linda White of ASU	Ongoing	Nil
	ASU Rep, Skills Council Advisory Committee Road Transport	Nominated by David Smith and Linda White of ASU	Ongoing	Nil
	ASU Rep, Skills Council Advisory Committee Logistics and Aviation	Nominated by David Smith and Linda White of ASU	Ongoing	Nil
Keith Harvey National Office Melbourne	Director, Innovation and Business Skills Industry Skills Council Ltd.	ACTU	Every two years	\$6,000 pa
	Director (currently Chair), Aspire Training and Consulting Ltd	ASU [one of two members of this company]	Every two years	\$1,000 pa
John Nucifora National Office Melbourne	ASU Rep, ACTU OH&S Committee and the Psychosocial Sub-Committee	ACTU	Ongoing	Nil
	ASU Rep, ACTU Safe Work Australia (SWA)	ACTU	Ongoing	Nil
	ASU Rep, ACTU Workers Comp Multi-State Employers Temporary Advisory Committee (TAG)	ACTU	Ongoing	Nil
	ASU Rep – judging panel, ACTU OHS Leadership - Comcare Safety Awards	ACTU	Ongoing	Nil - Travel & accommodation paid by Comcare

**BOARD AND COMMITTEE POSITIONS
NATIONAL EXECUTIVE DELEGATES
NATIONAL STAFF & APPOINTEES**

BRANCH	Board/Committee Position	Nominated By	Position Term Held	Income Received
Sally McManus NSW & ACT (Services) Branch	Council Member, National People with Disabilities and Carers' Council	Australian Government	Since 2008	
Natalie Lang NSW & ACT (Services) Branch				
Graeme Kelly NSW US Branch	Director	Local Government Super	USU	
Stephen Birney NSW US Branch				
Jennifer Thomas QLD (S&NA) Branch	ALP, Electoral College		1 year	Nil
Catherine Laherty QLD (S&NA) Branch	Board Member -Community Services & Health Industry Skills Council Pty Ltd	ASU nationally is a shareholder and as part of agreement with LHMU, SPSF, HSUA, ANF we rotate through Director's position. – National Secretary appointed	2011 – until rotation out	Nil – Travel covered
Katrine Hildyard SA & NT Branch	Director, Local Super	ASU	Since 2010	
Ian Steel SA & NT Branch	Director, Statewide Super	SA Unions	Since 2010	
Joseph Case SA & NT Branch				
Jeff Lavidos				

**BOARD AND COMMITTEE POSITIONS
NATIONAL EXECUTIVE DELEGATES
NATIONAL STAFF & APPOINTEES**

BRANCH	Board/Committee Position	Nominated By	Position Term Held	Income Received
TAX Branch				
Peter Chaplin TAX Branch				
Ingrid Stitt VIC PS Branch	VTHC Executive Council	ASU VIC PS Branch	Ongoing	Nil
	VTHC President	VTHC Executive Council	May 2013	Nil
	Business Skills Victoria	ASU VIC PS Branch (Taking up position from Keith Harvey / Zoe Edwards)	Yet to commence term	Nil
	IBSA – Business Services Sector Advisory Committee	ASU (Taking up position from Keith Harvey who has retired)	Yet to commence term	Nil
David Leydon VIC PS Branch				
Brian Parkinson VIC & TAS A&S Branch	Vision Super	Branch Executive	Since Jul 2011	
	PSSL Holding Company	Vision Super	Since Nov 2011	
Wayne Wood WA Branch				
Paul O'Neill WA Branch				
Michael O'Sullivan	Deputy Chairman, CARE Superannuation Scheme	ASU National Executive	See attached IFS Legal "Memorandum of Advice" (see Paragraph 21)	\$33,730 pa \$428.40 per Board meeting \$142.80 ph additional meeting fees
Michael Want	Director, CARE Superannuation Scheme	ASU National Executive	See attached IFS Legal "Memorandum of Advice" (see Paragraph 21)	\$28,250 pa \$428.40 per Board meeting \$142.80 ph additional meeting fees
Kate Wood	Director, CARE Superannuation Scheme	ASU National Executive	See attached IFS Legal "Memorandum of Advice" (see Paragraph 21)	\$28,250 pa \$428.40 per Board meeting \$142.80 ph additional meeting fees

Recommendation:

"The National Executive having considered the proposal to alter the eligibility rules of the ASU under section 758A of FW(RO)A, in accordance with rule 49, resolves that the National Secretary is directed to make application to alter the eligibility rules of the ASU in accordance with the proposal.

The National Executive directs the National Secretary in the event that Fair Work Australia determines in relation to the 158A application to only award in part the amendments sought in the proposal, to as necessary amend the application to alter the eligibility rule to reflect the FW determination.

PART XXIV

- (a) The Union, in the State of Queensland, shall consist of and be open to employees who are employed in the State of Queensland as:-
- (i) Architects and Naval Architects.
 - (ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
 - (iii) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
 - (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
 - (v) Tracers.
 - (vi) Aircraft Inspectors and Examiners (other than inspectors and examiners and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisor of Engineering Production, Planners of Engineering Production, Construction of Maintenance Work, Weather Officers.
 - (vii) Technical Assistants and Technical Officers.
 - (viii) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study the object of which is to qualify them for employment in any one of the foregoing professions or callings.
 - (ix) Scientists and scientific assistants (other than those employed by the Crown).
 - (x) Town, Country and Regional planners and planning assistants (other than those employed by the Crown).
 - (xi) Such other persons appointed full-time officers, industrial officers or Organisers of the Queensland Services, Industrial Union of Employees, shall be admitted as Associate Members of the Union.

Before any applicant may be admitted to membership of the Union in the State of Queensland, the person shall:

1. Be a corporate member of a Society, Institute or Institution as may from time to time be approved of by the Union; or
2. Hold a Degree, Diploma or Certificate of a University Institute or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the Union; or
3. Be undergoing a course of training in a profession or calling covered by the Union; or

4. Be a person who has been and still is actively employed in one or more of the professions or callings covered by the Union.
- (b) (i) The Union in the State of Queensland shall consist of an unlimited number of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station as:
1. employees who are principally engaged in administrative and/or clerical duties;
 2. employees who are principally engaged in professional and/or managerial duties;
 3. employees who are principally engaged in paraprofessional duties, excluding such employees who are required to use tools in the normal course of the employee's work;
 4. employees who are principally engaged in training or supervisory duties, excluding employees where training and supervisory duties are incidental to such employee's principal duties;
 5. employees who are principally engaged in the operation and/or control of Power Generation Plant where such operation and control is undertaken in, or linked to, a designated control or operations room.
- (ii) Provided always that employees, inclusive of the employees of the contractors and/or subcontractors employed in or in connection with the generation of electricity at Gladstone Power Station other than those employees referred to in sub-rule c(i) hereof shall not be eligible for membership of the Union and shall not be represented by the Union.
- (c) The Union in the State of Queensland shall consist of an unlimited number of persons who are employed or who are usually employed for hire or reward on a full time or part time basis in social welfare work in the State of Queensland; provided that employees of the Queensland State Public Service, Queensland Public Hospital Boards and Mater Misericordia Hospital Board shall only be eligible for membership where they hold qualifications in social welfare work conferred by a recognised tertiary educational institution.

For the purpose of this rule:

"Social welfare workers" are specialists in the provision or organisation of social welfare services. "Social welfare services" are services provided by governments and by charitable, religious and community based organisations. They are services of a therapeutic custodial or practical nature designed to provide social support to individual's families or communities.

"Qualifications in social welfare work" are qualifications conferred on successful completion of a course of study and training in one or more of the following Methods of social welfare work:

Social casework, group work, community organisation, or social welfare research policy analysis and administration.

These methods of social welfare work are skills used by social welfare workers to improve the social functioning of individuals, groups or communities.

- (d) (i) All salaried employees of the Commissioner for Railways employed in the State of Queensland shall be eligible for membership.
- (ii) In addition, this Union in the State of Queensland shall be composed of persons who are full time officers of the Queensland Services, Industrial Union of Employees, life members of the Queensland Services, Industrial Union of Employees, associate members of the Queensland Services, Industrial Union of Employees and employees employed in the State of Queensland by the Queensland Railways in the following list of callings:

Clerks (including typists)	Guards
Station Masters	Shunters (All Grades)
Assistant Station Masters	Conductors
Night Officers	Warehousemen
Station Mistresses	Signalmen
Assistant Station Mistresses	Carriage Cleaners
Gatekeepers	Carriage Shed Employees
Gatekeepers Assistants	Messengers
Porters (All Grades)	Watchmen

Checkers (All Grades)	Charwomen
Goods Shed Employees	Quarters Attendants
Storemen	Waiting Room Attendants
Yard Foreman	Weighbridgemen
Yard Supervisors	Flagmen
Traffic Foremen	Advertising Branch Wages Staff
Ticket Inspectors	Labourers
Traffic Inspectors	

Any other employee, employed in the State of Queensland, who is entitled to vote for the traffic employee's representative on the Appeal Board.

PART XXV

- (a) The Union in the State of New South Wales shall consist of an unlimited number of persons, employed in the State of New South Wales, who are -
- (i) employees of:
1. Municipal, Shire and County Councils;
 2. any contractor to any such Council;
 3. anybody, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
 4. anybody, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
 5. any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of the Union in accordance with this Part XXV or eligible to become members in accordance with this Part XXV;

- (ii) employees of Waste Planning and Management Boards and the successors;
- (iii) employees of Australian Health Management Group Pty Ltd and their successors;
- (iv) persons upon whom life membership of the [USU has been conferred in accordance with these Rules;
- (v) persons who while being members of the Union, in accordance with this Part XXV, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:
- (vi) persons, whether employed in the industry or not, who have been elected or appointed officers of the [USU, and who have been admitted as members of the [USU.
- (b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, and engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4th June, 1947.

PART XXVI

- (a) The Union in the State of New South Wales shall consist of all employees who are directly or indirectly engaged in water and/or sewerage reticulation and/or in any related or ancillary or incidental activity in the course of their employment in New South Wales in the service of the Water Board or any successor thereto; and
- (b) The Union in the State of New South Wales shall consist of all persons, employed in the State of New South Wales, as officers (or persons employed performing the duties of officers) and

persons employed as field clerks by the Maritime Services Board of NSW or the successors, assignees or transmittes of the business or functions of the Maritime Services Board of NSW or part thereof excluding those employees in the Dredge Service and persons employed in the following classifications: Architects, Legal Officers, Scientific Officers, Surveyors, or Economists; and shall also consist of persons employed performing similar duties as Officers of the Maritime Services Board of NSW employed at export coalhandling facilities managed and operated by the Maritime Services Board as at 1 January 1981 at any export coalhandling facility in New South Wales (excepting Port Waratah Coal Services Pty. Ltd., Newcastle); and

- (c) The Union in the State of New South Wales shall consist of any person, employed in the State of New South Wales, on a full-time or part-time basis, in or in connection with the industry of social and/or welfare work shall be eligible to be or to become a member of the Union in the State of New South Wales, together with such persons, whether employed in or in connection with social and/or welfare work or not, who have been appointed officers of the [NSW Services Union].
- (d) The Union in the State of New South Wales shall consist of employees of the Hunter Water Corporation and employees of any wholly or partly owned subsidiary of the Hunter Water Corporation or any successor, transferee, assignee or transmittes of the functions, whole or in part of the Hunter Water Corporation employed in the State of New South Wales; and
- (e) The Union in the State of New South Wales shall consist of:-
 - (i) Persons of good character who are employed in the State of New South Wales:
 - on the salaried staff of the Commissioner for Railways; or
 - on the salaried staff of the Commissioner for Government Transport; or
 - on the salaried staff of the Commissioner for Motor Transport; or
 - on the salaried staff of The Electricity Commission of New South Wales; or
 - as salaried staff in connection with air transport;
 - (ii) Persons who, while being of any class specified in part (i) above and while being members of the Union, are temporarily regressed to the wages staff of the employer;
 - (iii) Persons who are employed on the staff of the [NSW Services Union] and who become and remain members of the [NSW Services Union] pursuant to the Rules;
 - (iv) Persons who become associate life members of the [NSW Services Union] pursuant to sub-rule (b) of Rule 24 of these Rules of the [NSW Services Union], or upon whom associate life membership is conferred pursuant to the same sub-rule, and who remain such; and
- (f) Any person who is an employee or officer of the [NSW Services Union] in the State of New South Wales is eligible to belong to the [NSW Services Union].

PART XXVII

- (a) Any person employed as a lawyer in the State of South Australia is entitled to be a member of the Union together with such other persons, whether lawyers or not, as have been elected to the council of the [SA Union] and who have been admitted as members hereof, save and except that the following persons, excluding only such elected persons as referred to hereinbefore, shall not be eligible for membership of the Union in the State of South Australia;
 - (i) any person who is a principal in a firm of legal practitioners;
 - (ii) any person who is both an employee and a voting director of a company conducting the practice of a legal practitioner pursuant to the provisions of the Legal Practitioners Act 1981, as amended;
 - (iii) any person who is or who is held out to be a consultant to a firm of legal practitioners or to a company conducting the practice of a legal practitioner pursuant to the terms of the Legal Practitioners Act 1981, as amended;
 - (iv) lawyers and legal officers employed permanently or temporarily by the Commissioner for Public Employment pursuant to the Government Management and Employment Act 1985, as amended; and
 - (v) lawyers and legal officers employed by or under any Board, Trust, Commission, Commissioner, Committee or other public or statutory authority appointed by the South Australian Government.
- (b) Without limiting the generality of the foregoing or being limited in any way by the foregoing members of the Union in the State of South Australia shall be open to;

- (i) Persons, employed in the State of South Australia, engaged in or about an office. Each member of the branch shall be allocated to a Section. Without limited the generality of the foregoing shall include:

any person so engaged

1. in any clerical capacity
2. either wholly or partially in the occupations of shorthand writer, typist, teleprinter operator, addressing machine operator, dictation machine operator, punch card machine operator, cashier, receptionist, messenger and/or telephonist
3. either wholly or partially in calculating whether by ordinary means, or by means of any machine designed to perform or assist in performing clerical work.
4. on invoicing, charging, billing, pricing, scheduling, planning, correspondence, books and accounts, checking or otherwise dealing with records, or in any other clerical capacity whatsoever.
5. as salesman, tracer, draughtsman, or in any similar technical capacity.
6. as secretary, cost accountant, accountant, chief clerk, payroll officer, sales manager, purchasing officer, production control officer, pay clerk, cost clerk, purchasing clerk, sales clerk, statistics clerk, foreperson's clerk, timekeeper or any similar or other designated clerical position.
7. engaged outside an office in any clerical capacity or as a metre reader;
8. engaged as depot superintendent by any Oil Company;
9. engaged as branch manager, sub-branch manager, auctioneer, wool valuer, wool technician, wool cadet or store manager by any Stock and Station Agent;
10. engaged as two-way radio operator in connection with a fleet of motor vehicles;
11. engaged as terminal officers, grain officers, senior inspectors or inspectors employed by South Australian Co-Operative Bulk Handling Limited;
12. engaged in any combination of the above.

- (c) Without limiting the generality of the foregoing or being in any way limited by the foregoing members of the Union shall be open to any person employed or usually employed for hire or reward on a full time or part time basis in the industry of social welfare work in the State of South Australia:

PROVIDED THAT the following persons shall only be eligible for membership where they are employed in or in connection with professional social work: persons who are eligible for membership of the PSA of SA or the SPSF (SA BRANCH) in accordance with their rules as at 19.09.86, and who are employed in the South Australian Public Sector (within the meaning of the Government Management and Employment Act, 1985 or by any board trust, commission, committee or any other public statutory authority appointed by the SA Government and under the control of the SA Government under the following Acts:

Government Management and Employment Act 1985
SA Health Commission Act 1967
SA Housing Trust Act 1963-73
SA College of Advanced Education Act 1982
Children Services Act 1984
Alcohol and Drug Addicts Treatment Board Act 1961-71
Mental Health Act 1935-74
Parks Community Centre Act 1981
Or any other Acts which replace or amend them.

Without limiting the generality of the foregoing or being in any way limited by the foregoing membership of the Union shall also be open to persons who have been appointed officers of the [SA Union] whether employed in the occupation and industries referred to in rule 5 eligibility."

Moved: David Smith
Seconded: Sally McManus

MOTION WAS PUT AND DECLARED CARRIED

Exhibit List – DS5

A copy of the memorandum of understanding between the USU and Construction Forestry Mining Energy Union (New South Wales).

Ex 1. - in both
proceeding
2441
3135/200

MEMORANDUM OF UNDERSTANDING

New South Wales Local Government, Clerical Administrative, Energy, Airlines
& Utilities Union

And

Construction Forestry Mining and Energy Union (New South Wales Branch)

RE: DEMARCATION - LOCAL GOVERNMENT (STATE) AWARD

Definitions:

CFMEU shall mean the Construction Forestry Mining and Energy Union (New South Wales Branch)

USU shall mean the New South Wales Local Government, Clerical Administrative, Energy, Airlines & Utilities Union

CFMEU Member shall mean a member of the CFMEU who is a qualified trades carpenter and predominantly performing carpentry work either employed by a Local Government Authority as at the 12 July 2005 or transferring to the Local Government Industry from outside employment and who wishes to retain their CFMEU membership.

Qualified trades carpenter shall include an employee who has held a position equivalent to a trades carpenter and such position is recognised by the construction industry but due to the member's overseas qualifications not being recognised such member is not qualified under Australian standards.

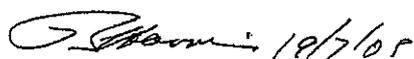
Award shall mean the Local Government Employees (State) Award 2004 and its successors

Preamble:

1. The CFMEU on application was included on the list of the Award participants on 22 April 2005.
2. On 13 May 2005 the CFMEU applied to vary clauses 4, 27 and 37 of the Award.
3. On 20 June 2005 the USU filed an application for demarcation orders against the CFMEU seeking to prevent the CFMEU from having any presence in the Local Government Industry.
4. This memorandum has been entered into by CFMEU and the USU in order to resolve the matters:

Agreement

- a. The CFMEU recognises the USU as the Principal union in the Local Government Industry in NSW.
- b. The USU recognises and agrees to support the right of the CFMEU to industrially represent CFMEU members covered by the Award.
- c. The CFMEU agrees not to recruit members of the USU covered by the Award.
- d. The USU agrees not to recruit CFMEU members covered by the Award in the councils listed in paragraph f. In respect of CFMEU members transferring from outside local government both unions agree that these shall be given the option of retaining their CFMEU membership or transferring their membership to the USU upon their employment in the Local Government industry. The USU agrees not to recruit members who have elected to retain their CFMEU membership.
- e. The USU agrees to support the representation of CFMEU members by elected CFMEU delegates or a state organiser in grievance and disciplinary matters under clause 30 and 31 of the Award.
- f. The USU agrees to support the representation of CFMEU members by an elected delegate on Local Council Consultative Committees where the CFMEU has members in the following Local Government Areas, including where the relevant council opposes this:
- Marrickville
 - Randwick
 - Bankstown
 - Gosford
 - Muswellbrook
- g. The CFMEU agrees to discontinue its application (IRC 2441 of 2005) to vary the Award and agrees not to commence a similar application.
- h. The USU agrees to discontinue its application for demarcation orders and to vary the CFMEU's rules (IRC3135 of 2005) and not to commence a similar application.
- i. The parties intend to be bound by this agreement.
- j. Any dispute arising as a result shall initially be dealt with directly between the parties. In the event that agreement cannot be reached, the parties agree that the matter should be referred to the Industrial Relations Commission for conciliation or in the last resort arbitration. In the event that the Industrial Relations Commission is unable to deal with a dispute arising out of this memorandum, the parties agree to refer the matter to an agreed mediator and/or for private arbitration.



Brian Harris
General Secretary
United Services Union



Peter McClelland
President
CFMEU NSW