

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

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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"Act" shall mean the Industrial Relations Act 1999 as amended from time to time or if repealed and replaced, then such replacement Act or Acts as amended from time to time.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means the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009 as amended from time to time or if repealed or replaced, then such replacement Act or Acts as amended from time to time.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 months 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 years 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 spoilt.
- (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 spoilt 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 spoilt 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.