

TOGETHER QUEENSLAND, INDUSTRIAL UNION OF EMPLOYEES

RULES

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1 TITLE

The name of the Union shall be Together Queensland, Industrial Union of Employees.

2 REGISTERED OFFICE

The registered office of the Union shall be at 27 Peel Street, South Brisbane, or such other place as the Executive may from time to time determine.

3 DEFINITIONS

In these Rules, unless the context otherwise requires:

- (a) Words importing the male gender shall include the female gender and vice versa.
- (b) The singular number shall also include the plural number, and the plural number the singular number.
- (c) "Union" shall mean Together Queensland, Industrial Union of Employees.
- (d) The "Federal Organisation" shall mean the Australian Municipal, Administrative, Clerical and Services Union, an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 (Cth).
- (e) "Senior Executive Officer" shall mean the Secretary, Assistant Secretaries, President, Senior Vice-President, Industry Division Vice-Presidents, Treasurer and Assistant Treasurer.
- (f) "Council Delegate" shall mean a member of Council.
- (g) For the purposes of casting a ballot under Rule 30A "financial member" shall mean a member (excluding an Honorary Member or a Retired Member) who is a financial member of the Union sixty (60) days before the opening time for nominations.
- (h) For the purpose of these rules any reference to Retired Member shall mean Continuing Member.
- (i) "Branch" shall mean the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch of the Federal Organisation.
- (j) "Executive Office" shall mean severally the offices of:
 - (i) President;
 - (ii) Senior Vice-President;
 - (iii) three (3) Industry Division Vice-Presidents;
 - (iv) Secretary;
 - (v) two (2) Assistant Secretaries;
 - (vi) Treasurer;
 - (vii) Assistant Treasurer;
 - (viii) ten (10) Other Executive Members; and
 - (ix) Executive Member (Women) (if any).
- (k) "Executive Officer" means a person holding an Executive Office.
- (l) "Industry Division" shall mean, severally, the:
 - (i) Public Service Industry Division;
 - (ii) Public Health Industry Division; and
 - (iii) General Industry Division.
- (m) "Paid Officers" shall mean persons elected to an office, but who may perform their obligations on a full-time or part-time basis, as determined by these Rules.

- (n) "Certification Day" means the day on which this rule is certified.
- (o) "Declaration Day" has the meaning provided by rule 53.
- (p) "Quadrennial Election" shall mean the elections required by these Rules to be held each four (4) years in accordance with these Rules.

4 PLACE OF MEETING

Save where otherwise provided the place of holding Council Meetings and General Meetings of members of the Union shall be at 27 Peel Street, South Brisbane, or at such other place as the Executive may from time to time determine.

5 OBJECTS

The objects of the Union shall be:

- (a) To protect and promote by all lawful means the professional, industrial and general interests, welfare and benefits of members;
- (b) To rectify any genuine grievances under which members may be labouring;
- (c) To establish and maintain an official publication to further the interests of the Union and to furnish advice to members;
- (d) To establish and maintain a staff benefit or superannuation scheme or schemes;
- (e) To promote or assist in social gatherings of members;
- (f) To initiate and operate a scheme for the payment of mortality benefit for general and staff members;
- (g) To promote and foster cooperative movements for the benefit of members of the Union;
- (h) To establish funds for the benefit of members, officers and employees or a particular class or group of members, officers and employees;
- (i) To invest funds;
- (j) To purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings, or easements for any purposes relating to the conduct of the Union;
- (k) 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 any such securities;
- (l) 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;
- (m) To undertake and do all such acts matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them;
- (n) To make donations to bona fide charitable purposes;
- (o) To create and promote equality of opportunity in employment and promotion within employment;
- (p) To act as agent for and on behalf of members or non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto;

- (q) To cooperate with kindred organisations, associations, unions or bodies having similar objects and/or similar interests;
- (r) To co-operate, affiliate, federate, amalgamate, merge with or absorb any Association, Organisation or Union of employees whether registered or not pursuant to the Industrial Relations Act 2016 or the industrial law of the Commonwealth or any State or Territory of Australia;
- (s) To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise any bona fide trade union organisation or association or representative body or peak council which promotes or protects the cause of labour;
- (t) To enter into agreements with the Federal Organisation pursuant to Sections 151 and 152 of the Fair Work (Registered Organisations) Act 2009 or any statutory provisions amending, replacing or supplementing those provisions;
- (u) To apply for membership of the Federal Organisation for and on behalf of any member who is eligible to belong to that Organisation; and
- (v) To ensure that the funds of the Union shall be used for the foregoing purposes and for the payment of expenses of management.

6 ELIGIBILITY FOR MEMBERSHIP

- A. Without in any way limiting or being limited by sub-rule B and sub-rule C, the following persons are eligible for membership of the Union -

Existing Eligibility for Q.S.S.U.

- employees of the Queensland Government or (in relation to the Crown in right of the State) of any Crown Corporation, Crown Instrumentality, or Minister representing the Crown other than those employed in -
 - (a) The Police Force.
 - (b) The Queensland Railways.
 - (c) The Teaching Service other than teachers employed in Technical Colleges.
 - (d) And such other employees or groups of employees as the Council of the Union may from time to time determine.

and Nurses employed in Regional Health Authorities, formerly employed in the Public Service, and who were members of the Union as at 1st July, 1991.

- officers and employees of the Electoral and Administrative Review Commission and the Parliamentary Service Commission.

PROVIDED THAT all probationers during their period of probation shall be deemed to be officers or employees as the case may be for the purpose of this section.

- B. Without in any way limiting or being limited by sub-rule A and sub-rule C, membership of the Union shall consist of:

Existing Eligibility for Q.P.O.A.

- (a) Ordinary Members. Persons permanently or temporarily engaged in either a full-time or a part-time capacity by the State Government or (in relation to the Crown in right of the State) any Crown Corporation, Crown Instrumentality or Minister representing the Crown or by any Statutory Corporation of which fifty per cent or more of the members are appointed by the Governor-in-Council or employed in an educational institution designed as a University or a College of Advanced Education in the State of Queensland or employed in the Mater Misericordiae Hospitals, or The Australian Red Cross Society, Queensland Division, Blood

Transfusion Service, in professional or technical activities all of whom have been duly admitted by the Executive as hereinafter provided.

- (aa) Employees permanently or temporarily engaged in either full-time or part-time capacity in professional or technical activities as Cadets, Assistants, Drafting Officers, Dietitians/Nutritionists, Laboratory Technician, Occupational Therapists, Physiotherapists, Podiatrists, Psychologists, Recreation Officers, Scientists or Speech Therapists who have been duly admitted by the Executive as hereinafter.
- (aaa) Notwithstanding the foregoing rules, the following classes of persons shall be eligible for membership; being persons who are employed in the Private Pathology Industry and who may be employed in the capacity of scientists, technicians, laboratory assistants, attendants, employees engaged in any clerical functions within the laboratory or which are directly associated with the technical functioning of a laboratory as well as electrical, electronic and instrument tradesperson, technicians and assistants thereto.
- (aaaa) Non vision impaired employees who are permanently or temporarily engaged in either a full-time or part-time capacity with Vision Queensland.
- (b) Continuing Members. Members of the Union who have retired or who have left their employment in an industry within the coverage of the Union or who have been retrenched may upon application become members of the Continuing Section.

Provided that no such Continuing Member may be represented by the Union in any proceeding or matter pursuant to the Industrial Relations Act 1999 or as amended.

- (c) Honorary Members. Persons not eligible for ordinary membership or Continuing Members Section membership. The number shall not exceed 10.
- (d) Life Members. Members who have given distinguished service to the Union and who have been elected as life members on the recommendation of the Council at an Annual Meeting.
- (e) Staff Members. Persons employed by the Union as General Secretary, Assistant General Secretary, Deputy General Secretary, Director, Industrial Services, Principal Industrial Officer, Senior Industrial Officer, Industrial Officer, Assistant Industrial Officer, Research Officer or Organiser or in any other capacity.
- (f) Student Members. Persons who are studying in a discipline wherein having qualified they will be eligible for membership of the Union pursuant to sub-rule (a) or sub- rule (aa) hereof.

PROVIDED THAT Retired Members, Honorary Members and Life Members who were members of those categories of the Queensland State Service Union or the Queensland Professional Officers' Association and continuing members of the Queensland State Service Union who were members of that category of Queensland State Service Union as at 31st December, 1992, shall continue to be members of the Union pursuant to sub-rules 6B (b), (c) and (d) hereof.

Further provided that persons eligible for membership of the United Firefighters' Union of Australia, Union of Employees, Queensland, such eligibility to be determined under Rule 5 of the Rules of the United Firefighters' Union of Australia, Union of Employees, Queensland being the form of the said Rule 5 to which consent was given by the Queensland Industrial Relations Commission on 27 May 1994, shall not be eligible for membership of the Union.

- C. Without in any way limiting or being limited by sub-rule A and sub-rule B, membership of the Union shall consist of all members of the Federation resident in Central and Southern Queensland, and persons admitted in accordance with these Rules, and without limiting the generality of the above the following persons, whether male or female, shall be eligible for membership, namely, persons employed either wholly or partially in the pursuit or vocation of writing, engrossing, typing, and/or calculating, whether by ordinary means or by means of any process or machine calculated to achieve a like result; and/or in invoicing, billing, charging, checking or otherwise dealing with records, writings, correspondence, books and accounts or in any other clerical capacity whatsoever, and switchboard attendants; and Superintendents, Inspectors,

Canvassers and/or collectors employed by Life Insurance Companies and/or Fire and Accident Companies; and/or Funeral Benefit Canvassers and/or Collectors; and Canvassers and/or Collectors employed by Medical Benefit Funds.

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

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

Provided that this sub-rule C does not make eligible for membership any person who would otherwise be eligible under this part, but who carries out their employment in the portion of the State of Queensland north of the line which is 22 degrees 30 minutes of south latitude extending from the western border to the sea coast.

7 NOT USED

7A ATTACHMENT

- (a) This rule will operate from Declaration Day, and rule 7 shall cease to operate immediately on this rule commencing.
- (b) All members, other than Employees of Together, shall be allocated to an Industry Division as follows:
 - (i) **Public Service Industry Division:** subject to sub-rule (b)(iii)(2), all members working in State Government departments, agencies and statutory authorities representing the Crown, except for those members employed in the health industry;
 - (ii) **Public Health Industry Division:** subject to sub-rule (b)(iii)(2), all members working in State Government departments, agencies and statutory authorities representing the Crown in the health industry together with members working in the Mater Misericordiae Public Hospital; and
 - (iii) **General Industry Division:**
 - (1) all members who are not eligible to be attached to the Public Service Industry Division or the Public Health Industry Division in accordance with parts (i) and (ii);
 - (2) all members working in the higher education and TAFE;
 - (3) all members working in the following entities:
 - (A) Residential Tenancy Authority;
 - (B) Building Services Authority;
 - (C) Parliament House;
 - (D) Government House;
 - (E) QSuper;
 - (F) Legal Aid Queensland;
 - (G) WorkCover;
 - (H) QComp;
 - (I) Tourism Queensland;

- (J) Stadiums Queensland;
- (K) Queensland Studies Authority;
- (L) Queensland College of Teachers;
- (M) Queensland Rural Adjustment Authority;
- (N) Health Quality and Complaints Commission;
- (O) Queensland Curriculum and Assessment Authority;
- (P) Crime and Corruption Commission Queensland;
- (Q) Australian Health Practitioner Regulation Agency;
- (R) Office of Information Commissioner;
- (S) Queensland Ombudsman;
- (T) National Heavy Vehicle Regulator; and
- (U) Queensland Agricultural Training Colleges; and

(4) all members employed in the water, energy, ports and rail industries not eligible to be attached to the Public Service Industry Division.

- (c) All new members shall be promptly attached by the Secretary, between meetings of the Executive, to and Industry Division in accordance with their eligibility under sub-rule (b).
- (d) The Secretary shall report on the attachment of members to the next Executive meeting following their attachment, and the Executive may determine to reattach a member to another Industry Division, but only in accordance with a member's eligibility under sub-rule (b).
- (e) Each Paid Officer shall be attached, by determination of the Executive, to an Industry Division.

8 ADMISSION TO MEMBERSHIP

- (a) An applicant for admission shall:
 - (i) make an application in writing to the Secretary that includes the applicant's residential address and the name of the employer; or
 - (ii) make an application by telephone that includes advising the Union of the applicant's residential address and the name of the employer; or
 - (iii) make an application by electronic means that includes advising the Union of the applicant's residential address and the name of the employer.
- (b) The application shall be considered by the Secretary when received, and unless referred by the Secretary to the next meeting of the Executive, the applicant shall be and be deemed to be a member of the Union from the date of receipt of the application by the Union or the Secretary.
- (c) An application for membership referred by the Secretary to the Executive shall be considered by the Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with sub-rule (b) herein. If rejected the applicant shall be deemed never to have been a member of the Union.
- (d) Not used
- (e) (i) An applicant whose application for membership has been rejected or deferred may appeal to the Council.
 - (ii) (1) Any member whose membership has been rejected or deferred by the Executive shall have the right to appeal to the Council. A member who wishes to appeal shall advise the Secretary within 30 days of being advised of the finding of the Executive and the Secretary shall refer the matter to the next Council meeting.

- (2) Where an appeal is lodged the decision of the Executive shall not take effect until after the matter has been determined by the Council.
- (3) At the Council meeting the Secretary on behalf of the Executive shall state the reasons why the membership has been rejected or deferred, and if requested by the appellant, the appellant shall be heard. The meeting may decide the appeal notwithstanding the absence of the member appealing.
- (f) The Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the Secretary shall keep or cause to be kept a record of the application.
- (g) Each applicant for membership whose application is accepted shall be entitled to receive free of charge a copy of the Rules of the Union.
- (h) The Secretary shall inform applicants for membership, in writing, of:
 - (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Union.
- (i) An application for membership of the Union from a person who previously has resigned from the Union may be referred by the Secretary to the Executive. If the application is accepted by the Executive it may determine that re-admittance to membership shall be conditional upon the payment of any monies owing by the applicant to the Union subject to Sections 541, 542 and 543 of the *Industrial Relations Act 2016* (Qld); and subject further to Rule 36(f) and (g). Provided that acceptance of a person as a member shall not be invalidated by non disclosure of any previous resignation.
- (j) No error, omission, or want of form in connection with any application for membership under this rule shall invalidate membership.
- (k) Not used

9 PURGING THE REGISTER

- (a) The Secretary shall from time to time as directed by the Executive strike off the Register of Members the names of all members who satisfy the following criteria:
 - (i) All members owing subscriptions fines or levies for a period of 52 weeks or more, provided that members so struck off shall not be free from liability for arrears due.
 - (ii) Any or all members who have ceased to be eligible for membership under Rule 6 of these rules.
 - (iii) Notwithstanding anything in these Rules, if the Executive is satisfied that a member has ceased to be eligible under the Rules of the Union to be a member of the Union, by reason of ceasing to work in the industry or industries specified in Rule 6 or otherwise, the Executive may declare that such person shall cease to be a member of the Union. Where such persons owe money to the Union they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Union, and, in default of payment, may be sued for any outstanding amounts.
- (b) The Secretary shall give a member fourteen (14) days' notice in writing to the member's last address shown on the Register of Members of the intention to strike the name off the Register.
- (c) Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Union or to have any of the rightful privileges of membership.
- (d) Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Union up to the date of the removal of the member's name from the Register.

10 RESIGNATIONS

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

whichever is the later; or
 - (ii) in any other case:
 - 1. at the end of 2 weeks after the notice is received; or
 - 2. on the day specified in the notice;

whichever is the later.
- (c) Notice of resignation shall be addressed to the Secretary and delivered to that officer.
- (d) Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Union under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union.
- (e) Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation expires shall be remitted to the member if so requested and a member who pays annual subscription by installments shall not be liable to pay any installment for any period after the end of the quarter in which the member's notice of resignation expires and a member who resigns where the member ceased to be eligible to become a member of the Union as hereinbefore mentioned shall be entitled to the same remission.
- (f) A notice delivered to the Secretary shall be taken to have been received by the Union when it was delivered.
- (g) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the Secretary.
- (h) A resignation from membership of the Union is valid, even if not affected in accordance with sub-rules (a) to (g) herein, if the member is informed in writing by or on behalf of the Union, that the resignation has been accepted.
- (i) A member on leaving the Union after compliance with this rule shall be entitled, on written application to the Secretary, to a clearance certificate in the prescribed form.

11 MEMBERSHIP RIGHTS

- (a) It shall be a term of membership in the Union that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not operate to reduce any rights under Federal or State legislation.
- (b) Members of the Union may at all reasonable times and subject to not less than seven (7) days written notice to the Secretary inspect the records concerning their own membership and financial status.

12 UNFINANCIAL MEMBERS

- (a) A member owing annual subscriptions or fines or levies for a period of three (3) months after they first become due shall 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 thirty (30) days after such

withdrawal of authority. Provided that the provisions of sub-rule (a) herein 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.

Should the employer refuse to make payroll deductions of annual subscriptions or fines or levies the Union shall advise the member in writing of such refusal by the employer and extend to the member a period of three (3) months grace after the annual subscription or fines or levies first became due if at that time the subscription or fine or levies remain owing the member shall be unfinancial.

- (c) Where a member elects to pay subscriptions by transfer from a financial institution and such payments are not made, the Secretary shall forthwith render to the member an account for the amount due and unpaid. The date of the account shall be the date upon which the subscriptions are payable.
- (d) An unfinancial member shall not be entitled to any of the rights and privileges of membership including the right to hold or continue to hold office or to participate in any ballot of members of the 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. Provided that where a person holding an office ceases to be a financial member of the Union, the Secretary (or where the Secretary ceases to be a financial member, the President) shall notify such person in writing that unless they become financial within twenty eight (28) days of the receipt of such notice in writing such person shall cease to hold the office upon the expiration of the said period of notice.

For the purposes of this sub-rule, notice in writing shall be deemed to have been given upon service by certified mail to a member's last known address.

- (e) An unfinancial member who, within a period of thirty (30) days, fails to comply with a written demand forwarded to the member's address on the member's register, for payment of arrears, may be sued by the Secretary for recovery of such arrears. A member may give a reason or reasons why the subscriptions, fines or levies have not been paid, and thereupon the Executive may, at its discretion, extend the time of payment for such period as it deems fit. This extension of time does not render the member financial.

13 LEGAL AND INDUSTRIAL ASSISTANCE

- (a) Any financial member of the Union may request legal or industrial assistance from the Union in relation to any matter or proceeding whatsoever relating to the employment of the member, and any expense incurred by the Union in legal or other fees and costs in connection with such assistance shall be deemed to be part of the ordinary expenditure of the Union.
- (b) A request by a financial member for assistance in accordance with sub-rule (a) herein shall be made in writing addressed to the Secretary, if that officer so requires.

14 NOT USED

15 POWERS AND FUNCTIONS OF COUNCIL AND EXECUTIVE

Powers and Functions of Council

- (a) The affairs of the Union shall be managed by a Council of the Union.
- (b) The Council shall exercise all the powers specially conferred upon it by these Rules and may exercise all such powers and do all such acts and things as may be done by the Union and are not hereby required to be exercised or done by the Union in General or Special General Meeting assembled.

Without prejudice to the general powers conferred by the last preceding paragraph and to other powers conferred by these Rules, it is hereby expressly declared that the Council shall have the following powers:

- (i) to acquire by purchase, lease, exchange, hire or otherwise, lands and property of any tenure, whether real or personal, or any interest in the same which it may think necessary or convenient

for the purpose of the Union's business, and to seek, lease, let, mortgage, improve, manage, develop, exchange or otherwise deal with all or any part of the property and rights of the Union, whether real or personal.

- (ii) to purchase, hire or otherwise acquire any books, newspapers, documents or other property necessary for the purposes of the Union.
 - (iii) to investigate complaints by members of the Union and take such action as may be deemed necessary in regard thereto.
 - (iv) to call such meetings of the whole or any section of the Union membership as it considers desirable, on such notice as it may deem necessary
 - (v) to make, vary or repeal By-Laws for the regulation of the affairs of the Council, its officers and employees, and for the conduct of business at any meeting of the Council or of the Union;
 - (vi) to appoint such Committees as may be deemed necessary;
 - (vii) to establish and maintain a staff benefit or superannuation scheme or schemes and to determine conditions thereof; and
 - (viii) to borrow money for any purpose and to mortgage or charge the Union's undertaking, property or any part thereof and to secure any debt, liability or obligation of the Union or any other person and to do all things incidental thereto.
- (c) Council is empowered to enter into agreements with the Federal Organisation pursuant to Sections 151 and 152 of the Fair Work (Registered Organisations) Act 2009 (Cth) or any statutory provision amending, replacing or supplementing that provision.

Powers and Functions of Executive

- (d) Subject to the overriding authority and control of the Council, the Executive shall stand in the place of the Council between meetings of the Council and shall determine the policy of the Union and manage its affairs between Council Meetings; provided that the Secretary shall cause a report to be furnished to the Council upon all decisions made and actions taken by the Executive.
- (e) The Union may employ such staff as determined by the Executive. The Union shall treat its employees fairly and provide a safe place and system of work for its employees.
- (f) The Executive shall in addition to the powers and functions referred to in sub-clause (e) herein:
 - (i) have the power to appoint and at its discretion dismiss or suspend employees of the Union;
 - (ii) determine the wages and conditions of employment of the employees appointed subject to any awards, enterprise agreements or other industrial instruments;
 - (iii) develop appropriate staffing policies and practices for the fair and equitable treatment of the Union's employees;
 - (iv) develop policies and procedures for investigations of employee performance which are based on the principles of natural justice; and
 - (v) provide an appropriate dispute resolution process for staff including access to an agreed external conciliation processes.

16 NOT USED

17 NOT USED

17A COUNCIL

- (a) This rule will operate from Declaration Day, and rule 17 will immediately cease to operate on the operation of this rule.
- (b) The Council consists of the persons elected to and holding, in accordance with these Rules, the offices of:
 - (i) Executive Officer;
 - (ii) 40 Council Delegates elected by, and from, the Conference; and
 - (iii) Council Delegate (Women) (if any).
- (c) The Council Delegates shall be elected at the Quadrennial Elections.
- (d)
 - (i) The number of members of the Council, provided for by sub-rule (b) is subject to the Returning Officer confirming, at the declaration of the Quadrennial Elections for the offices of Council Delegate (Women), that the provisions of rule 29B have been met.
 - (ii) In the event that the provisions of rule 29B have not been met, then nominations shall be promptly called in accordance with these Rules for that number of the offices of Council Delegate (Women) as are required to be elected to achieve compliance with the provisions of rule 29B.
 - (iii) The offices of Council Delegate (Women) for which nominations may be called under sub-rule (d)(ii) shall be allocated to Industry Divisions in proportion to the number of Council Delegates elected from each Industry Division.
 - (iv) Only Conference Delegates who are women may nominate for the office of Council Delegate (Women).
 - (v) Conference Delegates may only nominate for the office(s) of Council Delegate (Women) allocated to the Industry Division to which they are attached.
 - (vi) Those members elected to the office of Council Delegate (Women), subject to this sub-rule shall:
 - (1) hold office until the declaration of the next Quadrennial Elections, they resign or they are removed from office in accordance with the National Rules or these Rules; and
 - (2) be entitled to exercise the same powers and have the same obligations as other members of the Council.
- (e) Sub-rule (d) does not prevent the elections for the other offices of the Council from being declared, and those officers declared elected taking office, even though there is a requirement for an election for an office of Council Delegate (Women).
- (f) A member of the Council who ceases to be eligible to nominate for election to the Council ceases at that time to be a member of the Council.

17B ELECTION OF OFFICE HOLDERS

- (a) Commencing in 2015 and thereafter a Quadrennial Election shall be held to elect a person to the office set out in column A by, and from, the electorate set out in column B:

| A | B |
|-----------|-------------------|
| President | financial members |

| | |
|---|---|
| Senior Vice-President | financial members |
| Vice-President (Industry) | relevant Industry Divisions' financial members |
| Secretary | financial members |
| Assistant Secretary | financial members |
| Other Executive Members | relevant Industry Divisions' Conference Delegates |
| Executive Members (Women) | relevant Industry Divisions' Conference Delegates |
| Treasurer | financial members |
| Assistant Treasurer | financial members |
| Council Delegates | relevant Industry Divisions' Conference Delegates |
| Council Delegates (Women) | relevant Industry Divisions' Conference Delegates |
| Conference Delegates representing Industry Sub-Divisions | relevant Industry Sub-divisions' financial members |
| Conference Delegates representing Regional Zones | relevant Regional Zone financial members |
| Conference Delegates representing Aboriginal and Torres Strait Islander members | Aboriginal and Torres Strait Islander financial members |
| Industry Division Executive (members) | relevant Industry Divisions' Conference Delegates |

- (b) Only members 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 an office of the Union.
- (c) Employees of Together cannot be nominated to stand for election for any office other than:
- (i) a Paid Office; or
 - (ii) the position of Conference Delegate representing the Employee Sub-division.
- (d) All candidates must be nominated by two (2) members.
- (e) The candidate and the nominators under sub-rule (d) must be:
- (i) financial members to, and at the end of, the month preceding the calling of nomination; and
 - (ii) from the electorate the candidate is nominated from in accordance with sub-rule (a),
- and all candidates can only be nominated with the candidate's consent.
- (f) In addition to the qualifications for nominators set out in sub-rule (e) only financial members attached to an Industry Division may nominate candidates for offices for which either the financial members of that Industry Division or Conference Delegates who are members attached to that Industry Division, form the sole electorate.
- (g) The Executive shall, at a meeting of Executive held in the year preceding the Quadrennial Elections, determine:
- (i) the allocation of employers to Industry Sub-divisions, provided that there shall be an Industry Sub-division to which employees of Together are attached; and
 - (ii) the geographical location of the Regional Zones.
- (h) All financial members shall be attached to an Industry Sub-division by the Secretary in accordance with these Rules.
- (i) The members of each Industry Sub-division shall be entitled to elect Conference Delegates on the following basis:

- (i) up to 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and
 - (ii) for each additional 100 financial members as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.
- (j) All financial members shall be attached to the Regional Zone in which they reside, with each Regional Zone being entitled to elect one (1) Conference Delegate.
- (k) The number of Conference Delegates representing members who have identified to the Union as being of Aboriginal or Torres Strait Islander origin, shall be on the following basis:
- (i) up to 100 financial members, who have identified to the Union as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate; and
 - (ii) for each additional 100 financial members, who have identified to the Union as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Elections – one (1) Delegate.
- (l) The Executive shall, at an Executive meeting held in the year preceding the Quadrennial Election, determine the number of Other Executive Members to be elected by, and from, the Conference Delegates representing each Industry Division in the year commencing on the first day of January next following, provided that if no determination is made, the number of Other Executive Members to be elected shall be as provided by rule 18A.
- (m) The number of Other Executive Members to be elected from each Industry Division shall be on the basis of one (1) Other Executive Member for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Elections.
- (n) The quota number of financial members for Other Executive Members is calculated on the following formula:
- $$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{(\text{total number of Other Executive Members to be elected} + 1)} + 1$$
- (o) If the formula in sub-rule (n) does not equate to a whole number, the quota shall be rounded down to the nearest whole number.
- (p) In the event that the number of members equalling whole quotas of the three (3) Industry Divisions is less than the total number of financial members of the Union as at 1 July in the year preceding the Quadrennial Elections then that Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Other Executive Member.
- (q) The Executive shall, at an Executive meeting held in the year preceding the Quadrennial Election, determine the number of Council Delegates to be elected by, and from, the Conference Delegates representing each Industry Division for the term following the next Quadrennial Election.
- (r) The number of Council Delegates to be elected from each Industry Division shall be on the basis of one (1) Council Delegate for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Election.
- (s) The quota number of members for Council Delegates is calculated on the following formula:
- $$\frac{\text{number of financial members at 1 July in the year preceding the Quadrennial Election}}{(\text{total number of Council Delegates to be elected} + 1)} + 1$$

- (t) If the formula in sub-rule (s) does not equate to a whole number, the quota shall be rounded down to the nearest whole number.
- (u) In the event that the number of financial members equalling whole quotas of the three (3) Industry Divisions is less than the total number of financial members of the Union as at 1 July in the year preceding the Quadrennial Elections then that Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Council Delegate.

18 NOT USED

18A EXECUTIVE

- (a) This rule will operate from Declaration Day and rule 18 will immediately cease to operate on the operation of this rule.
- (b) The Executive consists of the:
 - (i) President;
 - (ii) Senior Vice-President;
 - (iii) three (3) Industry Division Vice-Presidents;
 - (iv) Secretary;
 - (v) two (2) Assistant Secretaries;
 - (vi) Treasurer;
 - (vii) Assistant Treasurer;
 - (viii) ten (10) Other Executive Members; and
 - (ix) Executive Member (Women) (if any).
- (c) The Executive Officers shall be elected at the Quadrennial Elections.
- (d)
 - (i) The number of members of the Executive, provided for by sub-rule (a) is subject to the Returning Officer confirming, at the declaration of the Quadrennial Elections for the Union, that the provisions of rule 29B have been met.
 - (ii) In the event that the provisions of rule 29B have not been met, then nominations shall be promptly called in accordance with these Rules for that number of the offices of Executive Member (Women) as are required to be elected to achieve compliance with the provisions of rule 29B.
 - (iii) The offices of Executive Member (Women) (if any) for which nominations are to be called under part (ii) are allocated to Industry Divisions in proportion to the number of Other Executive Members elected from each Industry Division.
 - (iv) Only Conference Delegates who are women, attached to the Industry Divisions from which the Executive Member (Women) are to be elected, may nominate for the office of Executive Member (Women).
 - (v) Those members elected to the office of Executive Member (Women), subject to this rule shall:
 - (1) hold office until the declaration of the next Quadrennial Elections, they resign or they are removed from office in accordance with the National Rules or these Rules; and
 - (2) be entitled to exercise the same powers and have the same obligations as other members of the Executive.
- (e) Sub-rule (d) does not prevent the elections for the other offices of the Executive from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office, or offices, of Executive Member (Women).

- (f) A member of the Executive who ceases to be eligible to nominate for election for the office on the Executive that they hold, ceases at that time to be a member of the Executive.

18B CONFERENCE

- (a) This rule will operate from Declaration Day.
- (b) Conference Delegates shall be comprised of:
 - (i) the Executive Officers;
 - (ii) delegates representing Industry Sub-divisions;
 - (iii) delegates representing members residing in Regional Zones as determined by the Executive and
 - (iv) delegates representing members who have identified to the Union as being of Aboriginal or Torres Strait Islander origin.
- (c) Conference shall meet at the time and place the Executive determines, but so as to ensure compliance with the obligations of the Union.
- (d) The Secretary shall promptly notify all Conference Delegates of the determination to hold a Conference and shall request Conference Delegates to consider forwarding agenda items to the Secretary for the consideration of the Conference, no later than 21 days prior to the Conference.
- (e) The Secretary shall promptly notify the Executive, the Council, the Industry Division Committees, the Executive and the Council sub-committees of the determination to hold a Conference and shall request them to consider forwarding agenda items to the Secretary for consideration by Conference, no later than 21 days prior to the Conference.
- (f) The Executive is the agenda committee for the Conference.
- (g) The business of the Conference includes:
 - (i) the agenda items determined by the agenda committee
- (h) The Secretary shall forward a copy of the agenda for the Conference to the Conference Delegates at least seven (7) days prior to the Conference.
- (i) The Union is responsible for the:
 - (i) payment of the travel costs (if any) of all Conference Delegates;
 - (ii) costs (if any) of convening the Conference; and
 - (iii) costs (if any) and outgoings (if any) associated with the utilisation of conference facilities.
- (j) At a meeting of the Conference a quorum shall be a majority of those eligible to attend.
- (k) In the absence of a quorum, the Conference shall not proceed and all conference agenda items shall be considered by Executive at the next ordinary meeting of the Executive.
- (l) If the President is absent from a meeting of the Conference, or is not in attendance within 15 minutes of the time for the meeting commencing, the Senior Vice-President shall chair the meeting with the powers of the President.
- (m) If the President and the Senior Vice-President are absent from a meeting of the Conference, or are not in attendance within 15 minutes of the time for the meeting commencing, then one (1) of the Industry Division Vice-Presidents shall chair the meeting with the powers of the President, provided

that if the Vice-Presidents cannot by consensus determine which one of them shall chair, then those members of the Conference in attendance shall determine which of the Vice-Presidents shall chair.

- (n) Each Conference Delegate has one (1) vote in any ballot.
- (o) A Conference Delegate not present at a Conference, or part of a Conference, may appoint another Conference Delegate, being a Conference Delegate attached as a member to the Industry Division to which the Conference Delegate giving the proxy is attached, as proxy to exercise their vote, and the Conference Delegate exercising the proxy shall do so in addition to that Conference Delegates' own vote, provided that a Conference Delegate may only hold one (1) proxy vote.
- (p) A proxy appointed in accordance with sub-rule (o) counts for the purpose of quorum.
- (q) Determinations of the Conference shall be by majority.
- (r) The Conference shall receive, and consider, reports from the President and the Secretary and shall provide advice to the Executive on policy, organising, campaigning and industrial affairs.
- (s) The minutes of each Conference meeting shall, following the meeting, be promptly prepared and forwarded by the Secretary to each Conference Delegate.
- (t) A member of the Conference who ceases to be eligible to nominate for election to the Conference ceases at that time to be a member of the Branch Conference.

18C SPECIAL MEETINGS OF CONFERENCE

- (a) This rule will commence to operate from Declaration Day.
- (b) A special meeting of the Conference may be held at a time and place as determined by the Executive.
- (c) A special meeting of the Conference may be held in conjunction with a Council meeting.
- (d) The Agenda for special meetings of the Conference shall be in conformity with standing orders, and as determined by the Executive.
- (e) A special meeting of the Conference shall be conducted in the same manner as the Conference is conducted.

18D INDUSTRY DIVISION EXECUTIVE

- (a) This rule will commence to operate from Declaration Day.
- (b) There shall be for each Industry Division an Industry Division Executive which shall consist of:
 - (i) all members of the Executive attached to the Industry Division; and
 - (ii) no less than three (3) or more than 30 committee members.
- (c) The number of members of the Industry Division Executive shall be determined by the Executive at its meeting held immediately prior to nominations being called for the election of members to the Industry Division Executive or as may otherwise be determined in accordance with these Rules.
- (d) For the purpose of determining the number of members on the Industry Division Executive under sub-rule (b) any Executive Officers attached to the Industry Division shall be counted as a member of the Industry Division Executive.
- (e) Industry Division Vice-Presidents shall be ex-officio members of the Industry Division Executive, in their Industry Division, and shall chair any meetings of the Industry Division Executive.

- (f) All members of the Industry Division Executive, other than the members of the Executive, shall be elected at the first meeting of the Industry Division Conference following the Quadrennial Election by, and from, Conference delegates attached to the Industry Division, subject to this rule.
- (g) The Industry Division Executive shall, through the Industry Division Vice-President, present to its Industry Division Conference a report of the business of the Industry Division Executive.
- (h) A member of the Industry Division Executive who is no longer attached to that Industry Division shall immediately cease to be a member of the Industry Division Executive.

18E MEETINGS OF INDUSTRY DIVISION EXECUTIVE

- (a) This rule will commence to operate from Declaration Day.
- (b) The Secretary, or the Assistant Secretary allocated to that Industry Division, shall upon the request of the Industry Division Vice-President, or half the members of the Industry Division Executive summon a meeting of the Industry Division Executive.
- (c) The Secretary, or the Assistant Secretary allocated to that Industry Division, shall give at least 24 hours' notice when summoning members to meetings of the Industry Division Executive.
- (d) Notwithstanding anything previously provided in this rule, where the Industry Division Vice-President or the Secretary or the Assistant Secretary allocated to that Industry Division consider that a matter requires urgent attention, a meeting of the Industry Division Executive may be called by the Secretary or the Assistant Secretary allocated to that Industry Division, who shall give notice of the meeting as is practicable in the circumstances.
- (e) An Industry Division Executive meeting may be conducted by a method by which the members of the Industry Division Executive are able to communicate with each other without being physically present.
- (f) At any Industry Division Executive meeting one half of the total membership of the Industry Division Executive shall constitute a quorum.
- (g) If at any Industry Division Executive meeting no quorum is established at the expiry of 30 minutes after the time fixed for the commencement of the meeting, the meeting shall be adjourned for no more than 14 days.
- (h) Industry Division Executive members shall be given 24 hours' notice of the date, time and place to which the meeting has been adjourned and if at the adjourned meeting no quorum is present, those present are deemed to be quorum for the purpose of the adjourned business to be determined.
- (i) At Industry Division Executive meetings each member has one (1) vote.
- (j) Voting shall be by show of hands, except in such cases as the Industry Division Executive determines otherwise.
- (k) The Industry Division Vice-President has a deliberative vote only.
- (l) Determinations shall be by simple majority of the votes cast by those present and entitled to vote unless otherwise provided by these Rules.
- (m) The Industry Division Vice-President shall:
 - (i) preside at all Industry Division Executive meetings;
 - (ii) preserve order at Industry Division Executive meetings;
 - (iii) ensure the business of a meeting is conducted in accordance with these Rules; and

- (iv) act impartially when presiding.
- (n) If the Industry Division Vice-President is absent from a Industry Division Executive meeting, or not in attendance within 15 minutes of the time for the meeting commencing, then those in attendance at the meeting shall appoint a member of the Industry Division Executive in attendance at the meeting to chair the meeting with the powers of the Industry Division Vice-President.

18F POWERS OF INDUSTRY DIVISION EXECUTIVE

- (a) This rule will commence to operate from Declaration Day.
- (b) The Industry Division Executive between meetings of the Industry Division Conference shall determine policy on any matter specific to members attached to their Industry Division, which does not affect members attached to another Industry Division, but which does affect members attached to more than one (1) Industry Sub-division of the Industry Division.
- (c) The Secretaries shall be responsible to the Industry Division Executive for the conduct and management of the industrial affairs of the Industry Division on a day to day basis and shall take advice from the Industry Division Vice-President as to the course to be pursued in any matter pending the next Industry Division Executive ordinary meeting.

18G INDUSTRY DIVISION CONFERENCE

- (a) This rule will commence to operate from Declaration Day.
- (b) An Industry Division Conference shall be comprised of Conference Delegates attached to an Industry Division and any members of the Executive attached to that Industry Division.
- (c) Executive shall, subject to this rule, determine when an Industry Division Conference shall be held.
- (d) The Executive shall determine where an Industry Division Conference is to be held.
- (e) The Industry Division Conference shall determine policy on a matter specific to members attached to their Industry Division, which does not affect members attached to another Industry Division, but which does affect members employed in more than one (1) Industry Sub-division within the Industry Division.
- (f) Where a decision has been made under sub-rule 20A, the Industry Division Conference may, if the matter no longer affects members allocated to another Industry Division, nonetheless decide that the matter does affect members allocated to the Industry Division and if so deciding, the Industry Division Conference is then to decide the Union's policy on the matter.
- (g) An Industry Division Conference may, subject to the consent of Executive, adopt rules for the conduct of the Industry Division with those rules to be consistent with the Act, these Rules and approved by the Executive.
- (h) Subject to sub-rule (b) Industry Division Rules must provide for Women members of the Industry Division Executive in a manner consistent with rule 29B.
- (i) Industry Division Vice-Presidents shall be ex-officio members of the Industry Division Conference, in their Industry Division, and shall chair any meetings of the Industry Division Conference.
- (j) A member of the Industry Division Conference who is no longer attached to that Industry Division immediately ceases to be a member of the Industry Division Conference.

19 NOT USED

20 NOT USED

20A CONFERENCE DELEGATES RIGHTS

- (a) This rule will operate from Declaration Day.
- (b) The Conference shall determine policy on any matter specific to members, which affects members in more than one (1) Industry Division.
- (c) The Industry Division Conference shall determine policy on any matter specific to members attached to that Industry Division, which does not affect members attached to another Industry Division, but which does affect members employed in more than one Industry Sub-division within the Industry Division.
- (d) Conference Delegates for each Industry Sub-division shall determine policy on any matter specific to members attached to their Industry Sub-division, which does not affect members attached to another Industry Sub-division including:
 - (i) determine the Union's response to any matters raised by their employer, which does not affect members attached to another Industry Sub-division;
 - (ii) determine policy and strategy in collective bargaining campaigns and ensure:
 - (1) members, who are affected by a collective bargaining campaign (for this rule "affected members") determine the issues to be included in any claim as part of a collective bargaining campaign;
 - (2) that appropriate delegate structures are established for affected members, and that delegate structures of the affected members have the power to determine the strategy and policy for collective bargaining campaigns relating to affected members except where, strategy and policy is determined by the direct determination of the whole of the affected members attached to the Industry Sub-division;
 - (3) that all affected members shall determine any collective industrial action to be taken during a collective bargaining campaign; and
 - (4) that all affected members shall determine the policy on whether to approve or reject collective agreements to which they may be a party following collective bargaining campaigns;
 - (iii) provide advice to Executice on levies, in addition to the subscriptions, for members employed in their Industry Sub-division; and
 - (iv) establish Agency Committees and/or Common Interest Groups for some or all members attached to the Industry Sub-Division with the rules of an Agency Committee or Common Interest Group to be consistent with the Act, these Rules and approved by the Executive.
- (e) Determinations by relevant Conference Delegates of each Industry Sub-division shall be made by way of majority with at least half of those Conference Delegates voting.
- (f) All determinations made by Conference Delegates for an Industry Sub-division shall be minuted and a register of the determinations shall be maintained by the Secretary.

21 REGIONAL ORGANISING COMMITTEES

- (a) Executive may:
 - (i) authorise the formation of a Regional Organising Committee to represent members resident in a non-metropolitan area; and
 - (ii) approve the constitution and rules of such a committee.

- (b) A Regional Organising Committee shall consist of all financial members of the union resident in the defined area and the Regional Organising Committee may elect such officers as required in the constitution of the Regional Organising Committee.
- (c) A Regional Organising Committee shall be able to determine Union policy on a matter specific to members of the Region and which does not affect other members, subject to determinations of the Executive or Council under Rule 49.

22 NOT USED

23 GENERAL MEETINGS

- (a) Executive shall fix the date of Ordinary General Meetings of members of the Union.
- (b) Executive may convene a Special General Meeting of ordinary members at any time.
- (c) The Executive may convene a Special General Meeting of members of the Union at any time.
- (d) Upon delivery to the Secretary of a written demand for a Special General Meeting of members of the Union, over the signature of 5% of financial members of the Union, a Special General Meeting of members of the Union shall be called within seven (7) days.
- (e) Ordinary and Special General Meetings of the members of the Union shall be held at such times and places as the Executive shall determine, either generally, or in any particular case.
- (f) Failing such determination of the time of meetings, either generally, or in any particular case, the President shall fix the time and place of any Ordinary or Special General Meeting for which a time and/or place have not been fixed.
- (g) The administrative function of publishing notices relating to any Ordinary or Special General Meeting of members and arranging a venue therefore shall be discharged by the Secretary.
- (h) No fewer than three (3) days' notice of any Ordinary or Special General Meeting of members of the Union shall be given by way of advertisement in one or more daily newspapers, provided that the Executive may direct that notice be given by an additional means, and that the Secretary may give notice by such further additional means as to the Secretary seems practical and desirable.
- (i) Any notice of Special or Ordinary General Meetings of members of the Union shall state the purpose for which such meeting is to be held.
- (j) The quorum for a Special General Meeting is 250 financial members present, provided that if the quorum is not present within 15 minutes of the time notified for the commencement of the meeting, the meeting shall be abandoned.
- (k) The quorum for an Ordinary General Meeting is forty (40) financial members present.
- (l) Every financial member present at an Ordinary or Special General Meeting of the Union shall have one (1) vote save that the Chairperson shall not have a deliberative vote, but shall have a casting vote in the event of an equality of votes. Votes shall be cast by way of a show of hands, save where the Chairperson rules that a division is appropriate.
- (m) Decisions of Special and Ordinary General Meetings of members shall be made by way of a majority vote of financial members present.
- (n) Notwithstanding anything contained in this rule, a Special or Ordinary General Meeting of members of the Union shall not be called for the purpose of dealing with a particular subject if a Special or Ordinary General Meeting upon the same subject has been held within the life of the Council, or at any time within twelve (12) months of the date of demand for same; save where the holding of the meeting is approved by either the Council or the Executive.

- (o) Nothing in this rule shall diminish or derogate from the authority of the Council to manage and determine the policy of the Union. If the meeting results in a majority of the financial members casting a vote in favour of the proposition, the Council shall pay due regard to the views of the membership expressed in such vote when exercising the powers of Council under these Rules.

24 MEMBERSHIP BALLOT

Upon written demand signed by no fewer than one-tenth of the whole of the financial members of the Union delivered to the Secretary, the Secretary shall cause a postal ballot of the financial members to be conducted upon the question submitted with such request. If such ballot results in a majority of the financial members casting a vote in favour of the proposition, the Council shall pay due regard to the views of the membership expressed in such vote when exercising the powers of Council under these Rules.

25 WORKPLACE REPRESENTATIVES

- (a) The Secretary shall, as and when required, co-ordinate the quadrennial election of Workplace Representatives by and from the financial membership in workplaces at which members are employed.
- (b) Members can request that the Returning Officer appointed under Rule 46 of these Rules supervise the election of Workplace Representatives.
- (c) The role of the Workplace Representatives is to promote the objects of the Union.

26 NOT USED

26A VOTING ON COUNCIL

- (a) This rule will operate from Declaration Day, and rule 26 will immediately cease to operate on the operation of this rule..
- (b) Voting on Council is, for that office set out in column A, an entitlement to exercise the vote set out in column B:

| A | B |
|-----------------------------------|---------------|
| President | one vote |
| Senior Vice-President | one vote |
| Industry Division Vice-President | one vote each |
| Secretary | one vote |
| Assistant Secretary | one vote each |
| Treasurer | one vote |
| Assistant Treasurer | one vote |
| Other Executive Member | one vote each |
| Council Delegate | one vote each |
| Executive Member (Women) (if any) | one vote each |
| Council Delegate (Women) (if any) | one vote each |

27 POSTAL BALLOT OF COUNCIL

- (a) Notwithstanding Rules 26A and 50 any decision which under these Rules may be made by the Council in meeting assembled including, without limiting the generality of the forgoing, the addition to or amendment of these rules, may be made by post in accordance with this Rule and any decision so made shall be valid and effectual for all purposes.
- (b) A postal ballot shall be held whenever so decided by the Council or the Executive.
- (c) For the purposes of this Rule, “by post” means that each member of the Council shall be forwarded in writing and sent by post, facsimile or other electronic means, courier or communication delivered by

hand, a copy of the question upon which that Council Delegate's vote is required together with advice of the period in which the member is to record a vote being:-

- (i) if the question requires the exercise of the Council's powers pursuant to Rule 50, not less than twenty eight (28) days which may run concurrently with the notice required under Rule 50; and
 - (ii) in all other cases, not less than fourteen (14) days.
- (d) In any postal ballot of the Council, Delegates shall be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for decision by the Council in meeting assembled. The persons entitled to vote shall be the persons holding office as voting Delegates of the Council at the time the question is forwarded and who are still holding such office at the time they cast their vote.
- (e) No decision by postal ballot shall be effective on any question unless within the time required under this Rule in forwarding the question upon which the Delegates' votes are required:
- (i) in the case of a postal ballot conducted in respect of the exercise of the Council's powers pursuant to Rule 50, no less than 75% of the total votes exercisable by the Delegates have been exercised thereon; and
 - (ii) in any other case, no less than a simple majority of the total votes exercisable by Delegates have been exercised thereon.
- (f) A decision by postal ballot shall become effective before the time appointed is reached if and when it has received in its favour, an absolute majority of the total votes exercisable and the provisions set out above have been met.
- (g) This Rule shall be construed liberally so as to facilitate its operation as a means of obtaining prompt decisions of the Council of the Union in matters in which it is or may be thought to be desirable to obtain decisions expeditiously and in matters in which a substantial degree of consensus is known or believed to exist among Delegates to the Council.

28 MEETINGS

For elected Union structures covered by this rule, notwithstanding anything else in this rule, where the chair considers that it is appropriate, a meeting of the structure may be called by the chair who should give such notice of the meeting as is practicable in the circumstances and such a meeting may be conducted by telephone or any other electronic method by which members of the structure are able to communicate with each other without being physically present and subject to these Rules, any such vote taken by the structure participating by telephone or other electronic method shall be valid and effectual for all purposes.

29 NOT USED

29A NOMINATION OF CANDIDATES

- (a) This rule will operate from the Declaration Day, and rule 29 will immediately cease to operate on the operation of this rule.
- (b) The Returning Officer shall in the final year of each quadrennial term call for nominations by notice in the Union's Journal and by Newspaper Advertisement for:
 - (i) all offices which are elected by all the financial members;
 - (ii) offices which are elected by all the financial members of an Industry Division; and
 - (iii) Conference.
- (c) The notice under sub-rule (b) must notify members how to nominate.

- (d) Nominations must be open for at least 28 days.
- (e) Nominations must comply with these Rules.
- (f) The Returning Officer shall call for nominations for the positions of Other Executive Member and Council Delegate concurrently, when calling for nominations under sub-rule (b).
- (g) Conference Delegates may nominate for both the offices of Other Executive Member and Council Delegate, but all Conference Delegates who are declared elected to the office of Other Executive Member shall have their nomination excluded from the election of Council Delegate.
- (h) The Returning Officer shall conduct the election for the offices by way of a secret postal ballot and the election for the offices of Other Executive Member shall be conducted first, and the election for the office of Council Delegate shall commence after the declaration of the election for the office of Other Executive Member.
- (i) An election required by these Rules shall, subject to the requirements of these Rules, be conducted in accordance with these Rules.
- (j) In the event that the Returning Officer determines that a nomination is defective the Returning Officer shall, before rejecting the nomination, give the nominee the opportunity of remedying the defect within seven (7) days following the nominee being notified of the defect.

29B PROPORTIONAL REPRESENTATION

- (a) Notwithstanding any provisions of these Rules, commencing in 2015 women shall be represented on the Council and Executive as follows:
 - (i) where the Union has more than 50% women financial members, not less than 50% of the offices on Council and Executive shall be filled by women; and
 - (ii) where the Union has more than 30% but less than 50% women financial members, not less than 30% of the offices on Council and Executive shall be filled by women.
- (b) At each Quadrennial Election the Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members at the close of nominations.
- (c) In the event that, at the declaration of the election, the number of women elected to the Executive does not equal or exceed the number required by the relevant provision of sub-rule (a) of this rule, the Returning Officer shall call for sufficient nominations from Conference Delegates for the requisite number of Executive Member (Women) to be filled by women as required by sub-rule (a) is achieved.
- (d) Each Industry Division shall elect one (1) Executive Member (Women) for each whole number quota they obtain on the basis of the number of financial members of that Industry Division as at 1 July in the year preceding the Quadrennial Election.
- (e) The quota number for the purpose of sub-rule (d) is calculated on the following formula:

$$\frac{\text{Number of members as at 1 July in the year preceding the Quadrennial Election}}{\text{(Number of Executive Member (Women) to be elected + 1)}} + 1$$
- (f) If the formula in sub-rule (e) does not equate to a whole number, the quota shall be rounded down to the nearest whole number.
- (g) In the event that the number of Executive Member (Women) elected in accordance with sub-rule (d) does not equal the number of Executive Member (Women) to be elected, then the Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Executive Member (Women).

- (h) In the event that, at the declaration of the election in the case of Council, the number of women elected to the Council does not equal or exceed the number required by the relevant provision of sub-rule (a), the Returning Officer shall call for sufficient nominations from Conference Delegates for the requisite number of Council (Women) to be filled by women as is required for sub-rule (a) to be achieved.
- (i) Each Industry Division shall elect one (1) Council (Women) for each whole quota they obtain on the basis of the number of members of that Industry Division as at 1 July in the year preceding the Quadrennial Elections.
- (j) The quota number for the purpose of sub-rule (i) is calculated on the following formula:
- $$\frac{\text{Number of members as at 1 July in the year preceding the Quadrennial Election}}{\text{(Number of Council (Women) to be elected + 1)}} + 1$$
- (k) If the formula in sub-rule (j) does not equate to a whole number, the quota shall be rounded down to the nearest whole number.
- (l) In the event that the number of Council (Women) elected in accordance with sub-rule (i) does not equal the number of Council (Women) to be elected, then the Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Council (Women).

30 NOT USED

30A COLLEGIATE ELECTIONS

- (a) The following offices shall be elected by a collegiate electoral system:
- (i) Other Executive Member;
 - (ii) Executive Member (Women);
 - (iii) Council Delegate;
 - (iv) Council Delegate (Women);
 - (v) Industry Division Executive Member; and
 - (vi) Industry Division Executive Member (Women).
- (b) The electoral college shall be, in relation to the election for the offices referred to in sub-rule (a), for the offices set out in column A, the Electoral College set out in relation to that office in column B:

| A | B |
|---|--|
| Other Executive Member | Conference Delegates representing the relevant Industry Division |
| Executive Member (Women) (if any) | Conference Delegates representing the relevant Industry Division |
| Council Delegate | Conference Delegates representing the relevant Industry Division |
| Council Delegate (Women) (if any) | Conference Delegates representing the relevant Industry Division |
| Industry Division Executive Member | Conference Delegates representing the relevant Industry Division |
| Industry Division Executive Member (Women) (if any) | Conference Delegates representing the relevant Industry Division |

- (c) The Returning Officer of the election shall be the person appointed pursuant to these Rules as the Returning Officer of elections, and the Returning Officer shall be subject to the provisions of these Rules.
- (d) The Returning Officer shall call for nominations from among members of the electoral college who are eligible to nominate under these Rules, by written notice to each such member.

- (e) Nominations shall be in writing, signed by the candidate and seconded in accordance with these Rules and shall for the offices set out in column A be delivered to the Returning Officer prior to the date set out in relation to that office in column B:

| A | B |
|---|---|
| Other Executive Member | 1 st meeting of Conference following Quadrennial Elections |
| Council Delegate | 1 st meeting of Conference following Quadrennial Elections |
| Industry Division Executive Member | 1 st meeting of Conference following Quadrennial Elections |
| Executive Member (Women) (if any) | Special Conference (if required) |
| Council Delegate (Women) (if any) | Special Conference (if required) |
| Industry Division Executive Member (Women) (if any) | Special Conference (if required) |

- (f) If the Returning Officer finds that a nomination is defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.
- (g) If at the close of nominations, only the required number of nominations has been received for the offices, the Returning Officer shall declare those candidates elected.
- (h) If there are more than the required number of candidates for an office, an election is required and the Returning Officer shall notify each member of the electoral college of the opening and closing time of the ballot which shall be conducted at a meeting of the electoral college (for this rule “the Meeting”) to be promptly called by the Secretary on the direction of the Returning Officer.
- (i) The Returning Officer shall conduct at the Meeting held under sub-rule (h) an election for the respective office by secret ballot of the members of the electoral college and by means of a “first past the post system”.
- (j) These Rules shall apply to the count.
- (k) Any candidate may appoint a scrutineer, and these Rules in relation to scrutineers shall apply.
- (l) The Returning Officer shall arrange for the preparation of ballot papers on which the candidates’ names shall appear in alphabetical order.
- (m) The Returning Officer shall initial and hand to each member of the electoral college a ballot paper.
- (n) Each member of the electoral college shall cast a vote by completing the ballot paper by marking a preference against the name of at least one candidate, and by placing the completed ballot paper in the ballot box in the control of the Returning Officer.
- (o) The Returning Officer shall admit as formal any ballot paper whereby the voter’s intention is clear.
- (p) Any member who shall not be present at the meeting at which the ballot is to be held may lodge a request with the Returning Officer for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.
- (q) The ballot will be counted in accordance with the methods of counting set out in Appendix A of the rules.
- (r) The Returning Officer shall declare the result to the electoral college as soon as the count is completed and shall provide a written report to the Council in relation to the declaration.

30B COUNTERPART FEDERAL BODY ELECTION EXEMPTION

- (a) For the purposes of this rule the Branch is the Counterpart Federal Body.
- (b) The offices of the Union (the “state office”) that correspond with the offices of the Counterpart Federal Body (the “federal office”), due to the state office being similar to the federal office, are as follows:

| The Branch (the “federal office”) | The Union (the “state office”) |
|---|--|
| Branch President | President |
| Branch Senior Vice-President | Senior Vice-President |
| Branch Vice-President (Industry) | Vice-President (Industry) |
| Branch Secretary | Secretary |
| Branch Assistant Secretary | Assistant Secretary |
| Other Branch Executive Member | Other Executive Member |
| Branch Executive Member (Women) (if any) | Executive Member (Women) (if any) |
| Branch Treasurer | Treasurer |
| Branch Assistant Treasurer | Assistant Treasurer |
| Branch Council Delegate | Council Delegate |
| Branch Council Delegate (Women) (if any) | Council Delegate (Women) (if any) |
| Branch Conference Delegate representing Industry Sub-Divisions | Conference Delegate representing Industry Sub-Divisions |
| Branch Conference Delegate representing Regional Zones | Conference Delegate representing Regional Zones |
| Branch Conference Delegate representing Aboriginal and Torres Strait Islander members | Conference Delegate representing Aboriginal and Torres Strait Islander members |
| Branch Industry Division Executive (member) | Industry Division Executive (member) |
| Branch Industry Division Executive (Women) (if any) | Industry Division Executive (Women) (if any) |

- (c) The Secretary shall:
- (i) make application for exemption from holding an election as soon as practicable following the declaration of a relevant election, held under the Fair Work (Registered Organisations) Act (Cth) (the “federal election”) for the Counterpart Federal Body; and
 - (ii) notify the membership of the Union of the making of the application for exemption by means of a publication circulated to the members free of charge; and
 - (iii) seek, in the making of an application for exemption, that a state office be filled by a person elected in the relevant federal election to the federal office that corresponds, as provided by this rule, with the state office.
- (d) In the event of the exemption not being granted, or being only partially granted, the Secretary shall forthwith proceed to file the prescribed material required to be filed in relation to the holding of a relevant election pursuant to these Rules.
- (e) The Returning Officer shall not call for nominations for elections until the outcome of the relevant application for exemption from holding election is known.

31 ASSUMPTION AND TENURE OF OFFICE

- (a) The Returning Officer shall declare the results of the election:

- (i) where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen (14) days after the close of nominations; or
 - (ii) where a ballot is necessary for all or some of the offices to be elected in the same election, seven days after the close of the ballot.
- (b) Candidates elected to any office shall assume office upon the declaration of the ballot by the Returning Officer and shall remain in office until their successors are declared elected.
 - (c) Provided that where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.

32 REMOVAL OF OFFICERS

In the case of the Senior Executive Offices, Other Executive Members, Council Delegates, Conference Delegates and Industry Division Executive Members:

- (a) At a meeting of Executive to which the holder of any of the above offices has been summoned in writing by direction of the Executive to show cause why they should not be dealt with in accordance with this rule the Executive may:
 - (i) remove that officer from any office if they have ceased according to the Rules to be eligible to hold such office, or
 - (ii) deal with that officer in accordance with sub-rule (d) herein if the officer has been found guilty by the Executive of:
 - (1) misappropriation of funds of the Union;
 - (2) a substantial breach of the rules of the Union;
 - (3) gross misbehaviour in relation to his or her office; or
 - (4) gross neglect of duty in the conduct of his or her office.
- (b) The summons to show cause shall:
 - (i) state the allegation together with the particulars thereof;
 - (ii) disclose the evidence on which the allegation is based;
 - (iii) be signed by the Secretary or the President;
 - (iv) state the time, date and place at which the officer is to show cause;
 - (v) be delivered personally to the officer concerned (or posted by registered mail to the officer's last known address) at least twenty one (21) days before the meeting at which the matter is to be determined;
 - (vi) have attached to it a copy of this rule.
- (c) Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on them.
- (d) The evidence relating to the alleged offence should be heard by the Executive and the officer concerned shall be heard in his or her defence personally and/or in writing.

- (e) If in the opinion of the Executive the officer is guilty of the alleged offence it may:
 - (i) reprimand the officer;
 - (ii) dismiss the officer from office; or
 - (iii) expel the officer from the Union.
- (f) The Secretary, or where appropriate the President, shall promptly inform the officer by registered letter of the decision of the Executive. The decision of the Executive shall become effective immediately after it is made.
- (g) Any officer expelled by the Executive pursuant to this rule shall not be re-admitted to membership except by a vote of the Executive.
- (h) An officer removed from office or expelled from the Union pursuant to this rule shall have a right of appeal to a meeting of Council provided that the officer lodges a written appeal within twenty eight (28) days of the decision against which the appeal is made. The members of the Executive shall not participate in the hearing and determination of any appeal to the Council from the Executive.

33 CANCELLATION OF MEMBERSHIP

- (a) The Council may by a two-thirds vote of Delegates present at a Council Meeting, terminate the membership of any member found by the Council to have knowingly gained admission by false representation or to be guilty of misconduct.
- (b) The Council shall not exercise the powers vested in (a) herein otherwise than in strict conformity with sub-paragraph (c) herein.
- (c) Notice of Motion setting forth the terms of the resolution for cancellation of membership in writing over the signature of the proposer and the seconder shall be given to the Secretary and every such Notice of Motion shall:
 - (i) specify the name of the member the subject thereof;
 - (ii) have annexed thereto a statement as brief as the nature of the case will allow of the material facts on which the proposer and the seconder rely to support the resolution for removal;

forthwith, upon receipt of such Notice of Motion, the Secretary shall cause a copy thereof and of any annexures thereto to be delivered to the member the subject thereof -

- by delivering it to the member personally; or
- by leaving it for the member at the member's last known place of abode with some other person apparently an inmate thereof or employed thereat and apparently of or over the age of eighteen (18) years; or
- by posting it to the member at an address which is the member's last known place of abode; and

the Council shall not consider any such Notice of Motion save at a meeting of which the member has been given twenty-one (21) days notice in writing delivered to the member as described above being a notice which states that the cancellation of the member's membership is to be an item of business at the meeting.

- (d) The member shall have the right to appear in person at any such meeting of Council and to address Council in relation to the matter of membership but may at the member's option make submissions in writing to the said meeting of Council.
- (e) It shall be misconduct within the meaning of this Rule:-

- (i) to lay knowingly a false charge against any other member;
 - (ii) to refuse or fail to obey any Rule of the Union;
 - (iii) to refuse or fail to observe any policy adopted by the Union;
 - (iv) to contravene or fail to observe an award or industrial agreement;
 - (v) to behave in a disorderly manner at any meeting conducted pursuant to these Rules;
 - (vi) to obstruct any officer of the Union in the performance of his or her duties;
 - (vii) to divulge confidential Union business to anyone not entitled to know; and
 - (viii) to misappropriate the funds of the Union.
- (f) On any hearing on an allegation of misconduct, it shall be a defence to prove that the misconduct occurred notwithstanding that the person charged took all reasonable precautions and used all due diligence to avoid misconducting.

34 CASUAL AND UNFILLED VACANCIES

- (a) That if any positions of Delegates to Council have not been filled at election or casual vacancy arises, the vacancy shall be filled on an annual basis in accordance with these Rules.
- (b) In the event of a vacancy occurring in any Senior Executive Office or Other Executive Member, the Returning Officer shall cause an election to be held for the filling of such vacancy provided that where the unexpired part of the term of office is less than three (3) quarters of the term of office, the Council may appoint an eligible person to fill the vacancy.
- (c) The Senior Executive Officers and the ten (10) Other Executive Members shall be financial members. If they cease to be financial members they shall cease to hold office subject to Rule 32.
- (d) No member may nominate for election to more than one (1) Senior Executive Office, provided that a Senior Executive Officer may nominate or be appointed to fill a casual vacancy in which case should such member be elected, that member's previously held Senior Executive Office shall be deemed to be vacant.

35 APPLICATION OF FUNDS

- (a) Disbursement in pursuit of the furtherance of any of the objects of Rule 5 other than (e) shall be deemed to be part of the ordinary expenditure of the Union.
- (b) Provided that expenditure by way of loan, grant, or donation to any recipient of an amount exceeding or in the aggregate exceeding \$1,000 shall not be made by the Union unless the Executive is satisfied:
 - (i) that the making of the loan, grant or donation is in accordance with these Rules; and
 - (ii) in the case of a loan, that the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for repayment of the loan are satisfactory.

36 SUBSCRIPTIONS

- (a) Executive shall determine the quantum of membership subscriptions for the financial years commencing 1 July 2013 and thereafter.

Provided that in every instance where a variation of the quantum of membership subscriptions is proposed, no such variation shall be effected unless the variations have been approved by Executive.

The rate of subscription of each applicant for membership shall be assessed by reference to that applicant's salary standard rate or full time equivalent hours as at date of application for membership.

- (b) Subscriptions shall be payable half-yearly in advance or where deductions are in force by regular fortnightly or quarterly contributions provided that a discount as determined by Executive pursuant to sub-rule (a) herein and shall be applied to the subscription of a member when payment of a subscription is effected under any of the following conditions:
 - (i) The whole of the year's subscription together with arrears of subscription if any is paid on the first day of July each year; or
 - (ii) The whole of the year's subscription is paid in full by an applicant for membership of the Union before the end of September each year.

Provided that a member who is in arrears of subscription to the extent of one-quarter of the annual subscription or more shall be deemed to be an unfinancial member. A member who is unfinancial shall not be entitled to exercise any voting rights within the Union.

- (c) Every subscription which is unpaid at the 30th June next following the date upon which the subscription became due may with the approval of the Executive be recovered as provided for by the Industrial Relations Act 2016 and the Secretary shall take all necessary action for the purposes of such recovery.
- (d) Subscriptions may be paid or forwarded to the Secretary at the Registered Office of the Union or may be paid by means of payroll deduction or by means of periodic deduction from moneys held in an account on the member's behalf by a financial institution or from a member's credit card.
- (e) The term 'financial institution' means a bank, building society, credit union or credit society.
- (f) When a member demonstrates to the satisfaction of the Executive, financial hardship which precludes payment of subscriptions as prescribed by this rule, the Executive may approve such an arrangement as will facilitate the payment of the outstanding subscription.

Provided that no such approval shall render a member unfinancial in terms of these Rules.

- (g) Executive may approve any indulgence reduction waiver or discounting of fees which are in arrears for any member or any class of members.

36A MEMBERSHIP OF COUNTERPART FEDERAL BODY

- (a) Rule 8(k) shall immediately cease to operate on the operation of this rule.
- (b) Despite rule 36 a member of the Union shall not be required to pay membership subscriptions otherwise payable pursuant to these Rules and shall be deemed for all purposes of these Rules to be a financial member of the Union for the period during which the member is:
 - (i) in accordance with the rules of the Federal Organisation, a financial member of the Federal Organisation; and
 - (ii) attached to the Branch.
- (c) If a member of the Union, who is entitled to the benefit of sub-rule (b), ceases to be a financial member of the Federal Organisation or being a financial member of the Federal Organisation ceases to be attached to the Branch then the member forthwith, from the happening of either event, becomes liable for the payment of membership subscriptions under these Rules as if the member had joined the Union on the date that:
 - (i) they had become unfinancial under the rules of the Federal Organisation; or
 - (ii) had ceased to be attached to the Branch,

whichever is the earlier, however upon:

- (iii) the payment of any arrears to the Federal Organisation and the member otherwise becoming a financial member of the Federal Organisation; and
- (iv) the member again being attached to the Branch,

any arrears or liability to pay membership fees and other fees arising under these Rules shall be extinguished.

37 LEVIES

- (a) The total amount of levies struck in any one (1) year shall not in any case exceed one-half of the amount of the annual subscription unless approved by a majority of the members or group of members (as the case may be) voting by ballot.
- (b) The determination of any levies shall require approval by the Executive.
- (c) Any levy which is unpaid at the 30th June next following the date upon which it became due may with the approval of the Executive be recovered as provided for by the Industrial Relations Act 2016 and the Secretary shall take all necessary action for the purposes of such recovery.

38 EXECUTION OF CHEQUES

- (a) All cheques and other negotiable instruments and the transfer of funds by credit card or any other form of electronic funds transfer, drawn on the Union's bank accounts and funds shall be signed or authorized by the Secretary or the Secretary's delegate.
- (b) Every abstract supporting any such cheque or negotiable instrument and every remittance advice or other document approving any such credit card or electronic funds transfer shall be signed or authorized by the Secretary or the Secretary's delegate.
- (c) Provided that any cheque or other negotiable instruments shall be also signed by at least one of the following persons:
 - (i) The President;
 - (ii) The Senior Vice-President;
 - (iii) The Treasurer; or
 - (iv) The Assistant Treasurer.

39 AUDIT

- (a) The Executive shall appoint an Auditor who shall be qualified as prescribed by the Industrial Relations Act 2016.
- (b) The Auditor shall conduct an audit of the accounts of the Union and the Senior Executive Officers shall co-operate with the Auditor in taking all such steps as to enable the report to be made within that time.

40 NOT USED

41 DUTIES OF THE PRESIDENT

The President:

- (a) shall be recognised as the official head of the Union;
- (b) shall subject to the provisions of Rule 42 chair meetings of Council and the Executive and of members, and shall preserve order so that business may be conducted with propriety and in accordance with any Standing Orders made under the authority of these Rules;

- (c) shall, upon confirmation of the minutes at any meeting chaired by the President, sign the Minute Book in the presence of the meeting;
- (d) shall at any meeting advise of his or her intention to cast a deliberative vote and, in the case of an equality of votes, exercise a casting vote;
- (e) shall sign all documents requiring the signature of the official head of the Union, and where any rule of law or practice requires that a document executed by or on behalf of the Union be signed by an officer of the Union, execute such document; and where any such rule of law or practice requires that a document executed by or on behalf of the Union be signed by more than one officer of the Union, shall execute such document, together with the Secretary;
- (f) shall be a member, ex officio, of any committee or sub-committee of the Council or Executive and have the right to attend and to speak at any meeting held pursuant to these rules.

42 DUTIES OF VICE-PRESIDENTS

- (a) Where the President is unable, or unwilling to act, the Senior Vice- President shall be the President until such time as the President is able and willing to act, and where each of the President and the Senior Vice-President are unable, or unwilling to act, an Industry Division Vice-President shall be appointed by Council to be the President until such time as the President or the Senior Vice-President is able and willing to act.
- (b) Without prejudice to the generality of sub-rule (a) herein, where the President is absent from any meeting, which these Rules require to be chaired by the President, the Senior Vice-President shall chair the meeting as if that officer were the President; and, if both the President and the Senior Vice- President are absent from such a meeting, an Industry Division Vice-President (selected by Executive in the event of dispute) shall chair the meeting as if the person selected were the President. In the absence of the President, the Senior Vice-President and all Industry Division Vice-Presidents, the meeting shall elect one of its own number as Chairperson and the person so elected shall chair the meeting as if that person were the President.

43 DUTIES OF SECRETARY

- (a) The Office of Secretary of the Union shall be a Senior Executive Office.
- (b) Subject to the direction of Council, the Secretary shall discharge the following functions and duties on behalf of the union:
 - (i) keep proper books of account showing receipts and expenditure and keep separate accounts for all those particular funds in which at any time, and from time to time, moneys of the Union may be held, and keep separate accounts of the expenses of management and of all contributions on account thereof;
 - (ii) collect and receive all moneys payable to the Union, issue receipts for same, and deposit same in such bank account or other form of investment account as may be determined from time to time by Council;
 - (iii) subject to Rule 38 of these Rules, sign all cheques and negotiable instruments and every abstract supporting any such cheque or negotiable instrument drawn on the Union's bankers, accounts and funds, and be the authorised officer of the Union for such purpose;
 - (iv) subject to these Rules, have the charge and custody of all moneys belonging to the Union;
 - (v) when vacating office, deliver to the successor to office or to the Council's nominee, all books, accounts, funds and documents belonging to the Union which are in possession of the Secretary or under the Secretary's control;

- (vi) produce for audit at least once a year, and at such additional times as the Council may direct, all books and documents of the Union relating to the funds and accounts of the Union, together with such other documents and information as the Auditors may require;
- (vii) attend, unless excused by the Council or the Executive, all meetings of the Council and the Executive and all meetings of members of whatsoever kind and, so far as is practicable, all meetings held pursuant to these rules and keep a record of the proceedings of all meetings which, by this rule, the Secretary was required to attend;
- (viii) maintain a register of names and addresses of the members of the Union and Members of the Council in such form as the Council determines being the form which complies with the Industrial Relations Act 2016;
- (ix) at the request of a financial member, make available for examination at the Registered Office of the Union and during the ordinary hours of opening of the said Office, minutes of such meetings of the Council or the Executive, or of the members as the said financial member may request. Provided that where Council, or the Executive, or a meeting of members requires that a particular minute, or class of minute be treated as confidential, the Secretary shall observe the requirements of the Council, the Executive or the meeting of members as the case may be;
- (x) act as editor and business manager of the Union Journal and any other official publication of the Union;
- (xi) take all such steps as may be necessary to ensure that the Union complies with all obligations imposed upon it by law to disclose information or to make documents or books available for inspection;
- (xii) be responsible for the proper management and administration of the Union and to perform such duties and functions as are delegated by Council or by the Executive;
- (xiii) be the officer to sue and to be sued on behalf of the Union; and on behalf of the Union, to institute prosecutions and other proceedings in any Court, Commission or tribunal whatsoever, and to accept service of process on behalf of the Union and to represent the Union before any Court, Commission or tribunal whatsoever in any matter affecting or relating to the Union or a financial member of the Union; and to make any claim, including a claim under the Industrial Relations Act 2016, or to take any action necessary for the enforcement or defence of the rights and privileges of members of the Union. Provided that any action taken by the Secretary, pursuant to this sub-rule, shall be reported to the Council at its next meeting; and provided that the Council may appoint and authorise any person (whether an officer of the Union or not) to perform all or any of the acts referred to in this sub-rule, either generally, or in any particular case additionally to, or in substitution for the Secretary;
- (xiv) ensure that the decisions of Council and Executive are implemented;
- (xv) to apply for membership of the Federal Organisation for and on behalf of any member who is eligible to belong to the Federal Organisation provided that on each occasion the Secretary shall write to the member advising:
 - (i) of the financial obligations arising from membership,
 - (ii) the circumstances and the manner in which a member may resign from the Federal Organisation; and
 - (iii) that the application will be made on a specified date unless the member instructs the Secretary otherwise.
- (xvi) such other duties as are nominated in the terms of employment as mutually agreed by the Council and the Secretary;

- (xvii) notify the Queensland Industrial Relations Commission in the prescribed manner of the existence or likelihood of industrial disputes;
- (xviii) advise in writing applicants for membership of the Union of:
 - (i) the financial obligations arising from membership and;
 - (ii) the circumstances and the manner in which a member may resign from the Union.
- (c) The Secretary shall be responsible for:
 - (i) the management of the Union's offices; and
 - (ii) the administration and application of the Union's policies and procedures in relation to the Union's employees.
- (d) The Secretary may resign from office by notice in writing delivered to the President, provided that such notice shall be of one (1) month's duration. Such period of notice may be waived wholly or in part by mutual consent of the Secretary and the Executive.

44 DUTIES OF ASSISTANT SECRETARIES

- (a) The offices of Assistant Secretaries shall be Senior Executive Offices.
- (b) Subject to the direction of Council and the Secretary, the Assistant Secretaries shall assist the Secretary in the performance of all of the duties of the Secretary and jointly perform all such duties in the absence of the Secretary or whenever the Secretary requests that an Assistant Secretary performs the duties of the Secretary or such of those duties as may be specified in such request.

45 DUTIES OF THE TREASURER

The Treasurer:

- (a) shall ensure that all books and financial statements show a true and correct record of financial transactions of the Union and, in particular, shall ensure that receipts are issued for money received on behalf of the Union; that money received is properly banked; that all payments are authorised pursuant to these rules; and be prepared to give a statement of receipts and payments;
- (b) shall, as directed by the Council, control all real property of the Union and invest the funds of the Union;
- (c) shall, upon leaving office, hand over any document, deed or inscribed stock, debenture or other property of the Union held on behalf of the Union to the President of the Union.
- (d) Notwithstanding any power that the Treasurer has pursuant to this rule and subject to Rules 38 and 41, where any document requires execution that in any way deals with or affects:
 - (i) the Union's property; or
 - (ii) the investment of the Union's funds that document can only be executed by the President and Secretary of Union.

46 RETURNING OFFICER

- (a) The Executive shall in each year appoint a Returning Officer who, save as otherwise provided, shall supervise the conduct of all elections and ballots other than for the conduct of elections for officers, required or authorised by these Rules, and who shall hold the position of Returning Officer. For the conduct of elections for officers required under the Industrial Relations Act 2016, the Returning Officer or manager of the election shall be the Queensland Electoral Commission unless otherwise determined by Executive.

- (b) A person who is an officer of the Union, or who is a member of the Council, or who is an employee of the Union, may not be appointed to be the Returning Officer and the position of Returning Officer shall not be an office in the Union.
- (c) A person who is not a member of the Union may be appointed as Returning Officer.
- (d) If at any time the Returning Officer is unable or unwilling to act, Council shall appoint some other eligible person to act in the Returning Officer's place.
- (e) The Returning Officer may resign from office by notice in writing to the Secretary and shall be deemed to vacate office, having ceased to be eligible to be appointed as Returning Officer as prescribed at sub-rule (b) herein and, in all such cases, the Council shall forthwith appoint another Returning Officer for the remainder of the term prescribed in sub-rule (a) herein.
- (f) The Returning Officer shall not vote in any election or ballot.

47 NOT USED

47A DUTIES OF CONFERENCE DELEGATES

- (a) This rule will operate from Declaration Day, and rule 47 will immediately cease to operate on the operation of this rule.
- (b) A Conference Delegate shall:
 - (i) encourage persons eligible to join the Union to make application for membership;
 - (ii) take up and pursue through the Union, enquiries and matters raised by members;
 - (iii) promote interest in the Union and its affairs by its members, particularly those within the Delegate's Industry Division;
 - (iv) promote the interests of the Union to the public and promote public interest in the Union;
 - (v) attend relevant meetings and report to members in the Delegate's Industry Division;
 - (vi) attend relevant meetings of Agency Committees, Regional Organising Committees and Common Interest Groups and report thereon to members;
 - (vii) distribute information relating to the Union, particularly to members and make submissions on behalf of members;
 - (viii) raise and discuss topical industrial and related issues with members; and
 - (ix) be bound by policy decisions made under these Rules.

48 NOT USED

49 INTERPRETATION OF RULES

- (a) The Council shall have authority to interpret the meaning of the Rules and shall settle any disputes and determine any matter relating to the Union on which the Rules are silent.
- (b) Council shall determine if any matter considered by Delegates representing a sub-division of Council, an Agency Committee or Common Interest Group or Regional Organising Committee affects Union members who are not members of the Agency Committee or Common Interest Group or Regional Organising Committee. If Council determines that the matter does affect other Union members, then Council shall determine the Union policy on the matter, and Council's determination shall prevail over any other decision.

- (c) The Executive shall make such determinations between meetings of the Council.
- (d) By giving notice in writing any member of the Council shall have the right to raise with the Council, Executive or Secretary a matter which they consider has effect beyond a single Agency Committee or Common Interest Group or Regional Organising Committee. If such notice is given the matter will not be Union policy until the matter has been endorsed by the Council or Executive.

50 ALTERATIONS TO CONSTITUTION AND RULES

- (a) The Constitution and Rules shall not be altered in any particular except by a ballot of Council Delegates conducted at a Council meeting of the Union and resulting in 70% of those voting, casting a vote in favour of the alteration.
- (b) Provided that in addition to the requirements of sub-rule (a) herein, Rule 7 Divisions; Rule 15 Powers and Functions of Council and Executive; Rule 16 Delegate Rights; Rule 43 Duties of Secretary; Rule 44 Duties of Assistant Secretaries; Rule 50 Alterations to Constitution and Rules and Rule 52 Transitional Rule shall not be altered in any particular unless 70% of the votes entitled to be cast are cast in favour of the alteration.
- (c) Provided further that no proposed alteration shall be put to a vote unless at least four (4) weeks' notice of the intention to move for an alteration of the Union's Constitution and Rules is advertised to members.

51 DISSOLUTION

- (a) The Union may be dissolved and its registration cancelled upon the affirmative vote for dissolution and cancellation of registration of a majority of the financial members of the Union.
- (b) Any such ballot as described in sub-rule (a) herein, shall be conducted by the Returning Officer appointed pursuant to these Rules.
- (c) If, at any time, the number of financial members of the Union is fewer than twenty (20), the Union may be dissolved by a vote of the majority of financial members present and entitled to vote at a Special General Meeting of members called for the purpose of considering the dissolution and cancellation of registration of the Union.
- (d) The property and funds of the Union, at the time that its registration is cancelled, shall be used to discharge the debts and liabilities of the Union, and such property and funds as remain shall be used by the association which was previously the Union for the purpose of re-forming a registered Industrial Union of Employees within the areas described in the Union's Constitution Rule.
- (e) Nothing in this rule shall hinder or prevent dissolution of the Union for the purposes of amalgamation with another union.

52 NOT USED

53 2015 TRANSITIONAL RULE

- (a) The purpose of this rule is to provide for:
 - (i) structural and representational changes of the Union;
 - (ii) the conduct of the first election for the offices of the Union in the year 2015; and
 - (iii) other matters of a transitional nature.
- (b) In this rule, unless the contrary intention appears, the following words have the meaning assigned:

- (i) “Declaration Day” means the date on which the 2015 elections for the offices provided for in sub-rule (m) are declared;
 - (ii) “Election Day” means the day provided by 29A(d); and
 - (iii) “Inaugural Election” means the Quadrennial Election of the Union to be conducted in 2015.
- (c) This rule will:
- (i) apply on, and from, Certification Day notwithstanding any other provisions of these Rules;
 - (ii) to the extent of any inconsistency with any other provisions of these Rules, prevail; and
 - (iii) provide for the conduct of the Inaugural Election.
- (d) The election for the officers who will take office following the Inaugural Election, will be conducted in accordance with this rule:
- (i) by the Returning Officer who will be an electoral officer from the Electoral Commission Queensland;
 - (ii) on the basis that the following (certified but not operational) rules are to be treated by the Returning Officer as being in operation;
 - (1) rule 7A;
 - (2) rules 17A and B;
 - (3) rules 18A, B, D and G; and
 - (4) rules 29A and B; and
 - (iii) the roll for the conduct of the Inaugural Election will comprise of all financial members of the Union on the date forty (40) days before Election Day.
- (e) For the purposes of the Inaugural Election the offices to be elected at the Inaugural Election are:
- (i) President;
 - (ii) Senior Vice-President;
 - (iii) Vice-President (Industry);
 - (iv) Secretary;
 - (v) Assistant Secretary;
 - (vi) Other Executive Member;
 - (vii) Executive Member (Women) (if any);
 - (viii) Treasurer;
 - (ix) Assistant Treasurer;
 - (x) Council Delegate;
 - (xi) Council Delegate (Women) (if any);
 - (xii) Conference Delegate representing an Industry Sub-Division;

- (xiii) Conference Delegate representing a Regional Zone;
 - (xiv) Conference Delegates representing Aboriginal and Torres Strait Islander members;
 - (xv) Industry Division Executive (member); and
 - (xvi) Industry Division Executive (Women) (if any).
- (f) For the purposes of the Inaugural Election the Industry Divisions on Certification Day are the:
- (i) Public Service Industry Division;
 - (ii) Public Health Industry Division; and
 - (iii) General Industry Division.
- (g) For the purposes of the Inaugural Election, the number of Other Executive Members for each of the Industry Divisions on Election Day are those number of Other Executive Members determined by the Executive on, or before, 30 June 2015 and notified to the Returning Officer.
- (h) For the purposes of the Inaugural Election, the number of Council Delegates for each of the Industry Divisions on Election Day are those number of Council Delegates determined by the Executive on, or before, 30 June 2015 and notified to the Returning Officer.
- (i) For the purposes of the Inaugural Election, the Industry Sub-divisions on Election Day are those Industry Sub-divisions determined by the Executive on, or before, 30 June 2015 and notified to the Returning Officer.
- (j) For the purposes of the Inaugural Election, the number of delegates for each of the Industry Sub-divisions on Election Day are those number of delegates determined by the Executive on, or before, 30 June 2015 and notified to the Returning Officer.
- (k) For the purposes of the Inaugural Election, the Regional Zones on Election Day are those Regional Zones determined by the Executive on, or before 30 June 2015 and notified to the Returning Officer.
- (l) For the purposes of the Inaugural Election, the number of Aboriginal or Torres Strait Islander members will be those persons who have 30 days prior to Election Day identified to the Union as being of Aboriginal or Torres Strait Islander origin.
- (m) On the commencement of Declaration Day, the officers to take office are the:
- (i) President;
 - (ii) Senior Vice-President;
 - (iii) Vice-Presidents (Industry);
 - (iv) Secretary;
 - (v) Assistant Secretaries;
 - (vi) Treasurer;
 - (vii) Assistant Treasurer;
 - (viii) Conference Delegates representing Industry Sub-divisions;

- (ix) Conference Delegates representing Regional Zones; and
 - (x) Conference Delegates representing Aboriginal and Torres Strait Islander members.
- (n) Following the Declaration Day, the following officers will take office on the declaration by the Returning Officer of elections held, for their office, in accordance with these Rules:
- (i) Other Executive Members;
 - (ii) Executive Members (Women) (if any);
 - (iii) Council Delegates;
 - (iv) Council Delegates (Women) (if any);
 - (v) Industry Division Executive (members); and
 - (vi) Industry Division Executive (Women) (if any).
- (o) Immediately following the taking of office by the officers referred to in sub-rule (n) all the persons who held office as officers of the Union cease to hold office.

BY-LAWS

A. Time of meeting

The Council shall meet for business at times and dates determined at the last meeting of the previous year, unless otherwise decided by the Council, and on any other date that may be deemed necessary by the Executive.

B. Order of business

1. Roll Call
2. Apologies
3. Reception and confirmation of minutes
4. Business arising from the minutes
5. Committee Reports
6. Financial statement and passing of accounts for previous month or months
7. Membership matters
8. Business of which notice has been given under By-Law E
9. Summary of Executive Decisions
10. General business.

Provided that this Order of Business can be altered by a simple majority in support of a procedural motion to that effect.

C. Standing orders

The Council, Executive, Annual General Meetings, Special General Meetings and Ordinary General Meetings shall adopt Standing Orders to preserve order so that business may be conducted with propriety.

D. Penalty for breaches

Any member violating any of the foregoing Rules or By-laws, or the Union's Standing Orders, being or continuing to be disorderly, or refusing to retract any offensive expression when called upon to do so by the Chairperson shall be debarred from taking any further part in the discussions of such meetings.

E. Notice of motion

Every Notice of Motion shall be in writing, signed and dated, and sent to the Secretary at least twenty-eight (28) days before the date of meeting.

F. Publicity of business

Information concerning proceedings of Council meetings or the business of the Union shall not be given to the Press excepting by the Secretary, on the authority of the President, or by some other officer authorised by the Executive. Any member breaking this by-law shall be deemed guilty of misconduct and may be dealt with as provided for in Rule 33.

G. Elections other than to Council or Executive

When there are more than two (2) candidates for the same office, the ballot shall be by means of optional preferential voting. Nominations shall not be put to the vote unless the Executive has evidence of the nominee's consent to accept office.

Only financial delegates shall be entitled to vote, and in the event of a tie the election shall be decided by lot cast by the Chairperson.

These rules apply also to the filling of vacancies.

APPENDIX A CONDUCT OF ELECTIONS

- (i) The Returning Officer shall call nominations pursuant to Rule 29A of these Rules. Unless otherwise provided in these Rules nominations shall open at midday on the opening day and close at midday on the closing day.
- (ii) Nominations shall be in accordance with these rules and the Returning Officer shall prepare suitable forms which shall be made available for members at the office of the Returning Officer and at the office of the Union. The use of these forms is not compulsory provided that nominations are in accordance with these rules.
- (iii) A candidate may withdraw their nomination in writing to the Returning Officer not later than five (5) clear days after the closing date for nominations. Such withdrawal of nomination shall be signed by the candidate. On acceptance of the withdrawal of a nomination by the Returning Officer the candidate shall be advised that they are no longer a candidate for such office.
- (iv) An election must be discontinued and a new election held if -
 - (a) 2 or more candidates are nominated for the election; and
 - (b) 1 of the candidates dies before the close of the ballot.
- (v) Each candidate for election may by notice in writing, addressed to the Returning Officer, appoint three (3) scrutineers to represent such candidate on the counting of votes cast. Such notice shall be signed by the candidate and bear the name, address and signature of the scrutineer.
- (vi) Every member of the Union, excluding Honorary Members and Retirement Members, who is a financial member of the Union sixty (60) days before the opening time of nominations shall be entitled to cast a vote in the ballot.
 - (A) (1) The roll for a ballot must be prepared at the direction of the manager of the election.
 - (2) The manager must ensure the roll-
 - (a) states –
 - (i) the name of each person who is an eligible financial member of the organisation in alphabetical order; and

- (ii) each eligible financial member's address, opposite their name; and
 - (b) is completed when nominations for the election close.
- (3) The organisation must give the manager –
 - (a) a copy of its member's register; and
 - (b) access to the organisation's records reasonably necessary for the manager to ensure the roll is accurate.
- (B) (1) The manager of the election must make the roll for the election available for inspection –
 - (a) in the period that –
 - (i) starts on the day after the roll must be completed under section (A)(2)(b); and
 - (ii) ends 30 days after the result of the election is declared; and
 - (b) at the manager's office when it is open for business.
- (2) A candidate, member or a person authorised by the manager may inspect the roll, free of charge.
- (3) If during the period stated in subsection (1), 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.
- (C) When someone can claim a right to vote
 - (1) Despite section (A)(2), 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.
 - (2) If the manager is satisfied the applicant is an eligible member, the manager must include the applicant's name on the roll.
- (vii) In the case of casual vacancies and where a closing date for nominations is not set by these rules, the closing date for nominations shall be set by the Returning Officer.
- (viii) Where a ballot is necessary by reference to Rule 30, the Returning Officer shall, at least twenty-one (21) days before the closing date of the poll, forward to each financial member of the Union at the current address of each such member shown in the register of members, the following items:
 - (a) a Reply Paid envelope addressed to the Returning Officer;
 - (b) a remittance style envelope with the words "BALLOT-PAPER ONLY" on the front of the envelope and a tear-off declaration slip on the reverse side of the envelope which shall contain:-
 - the member's name in block letters;
 - the address of the member as shown on the Union records; and provision for the member to correct errors contained in the address shown;
 - a number that is identical to the number shown on the voter's roll;
 - a statement that the member must sign the declaration contained on the tear-off declaration slip or the vote will not be counted;
 - a statement that the member must not detach the tear-off declaration slip from the envelope;
 - a facility for the member to provide their signature; and

- (c) a ballot paper;

which shall be forwarded at no expense to the voter.

- (ix) If, before posting such envelopes and ballot paper to any member, the Returning Officer receives a request from such member (in writing and signed by the member) to do so, the Returning Officer shall mail the envelopes and ballot paper to the member at an address other than the current address held in the Union records.
- (x) The Returning Officer shall obtain a post office box for the purposes of the ballot, in which case, the Reply Paid envelope shall be addressed to that post office box number. The Returning Office shall retain the keys of such postal box.
 - (1) 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.
- (xi) Each ballot paper shall bear the words "Together Queensland, Industrial Union of Employees" and the initials of the Returning Officer and the names of the duly nominated candidates in alphabetical order, according to surname.

If the ballot is held in respect of more than one office and/or position, the candidates for each such office or position, as the case may be, shall be grouped together under a heading indicating the office or position for which they are candidates; and if there are two or more duly nominated candidates of the same surname for the same office or position, their names shall be printed according to the alphabetical order of the first of their given names or, if such names are the same, then according to the alphabetical order of their respective addresses which shall, in such case, be stated on the ballot papers together with such description or addition as will distinguish them from one another and, in all cases, a square shall be printed opposite the name of each candidate on the ballot paper.

- (xii) The Returning Officer shall arrange for the printing of ballot papers. All voting shall be on the preferential system in all elections under these rules, provided that, in the case of an election for one candidate only, the system of voting shall be by the optional standard preferential voting system; or, in the case of an election for more than one candidate, the system of voting shall be by the multiple preferential voting system and members shall be directed to vote by marking the ballot paper with the numbers 1, 2 and so on as the case requires opposite at least the same number of candidates as there are positions to be filled.
- (xiii) The Returning Officer, on being satisfied on the personal written application of any member that such member has not received or used the original ballot paper sent to such member, may issue a "duplicate" ballot paper to the member. Upon request from the member, the "duplicate" ballot paper shall be accompanied by such other ballot material similar to those previously issued.
- (xiv) The Returning Officer shall, when necessary, arrange for the collection of ballot material from the postal box allocated for the election. Scrutineers shall be advised of such collection and may attend the collection. The absence of a scrutineer will not delay the activities of the collection.
 - (1) The manager of the election must put all voting material returned to the manager in the ballot box until voting has ended.
 - (2) 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 –
 - (a) keep the envelope sealed; and

- (b) mark the envelope “Received by the manager after the finishing day for the ballot”; and
- (c) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

(xv) At twelve o'clock noon on the day fixed for the closing of the poll, the Returning Officer shall:-

- (a) Collect such locked containers containing ballot papers for the election and convey the same, unopened, to the place appointed by the Returning Officer for the conduct of the count. In the presence of such of the scrutineers as wish to be present, the Returning Officer shall proceed with the scrutiny and counting of the votes cast;
- (b) open the locked containers and empty the contents onto a table or suitable receptacle; and; in the presence of the scrutineers shall count and balance the Reply Paid envelopes returned;
- (c) open the Reply Paid envelopes and extract the declaration style envelope without separating the declaration slip attached, provided that, should the tear-off slip be separated from the declaration style envelope the Returning Officer may accept such envelope and slip as formal;
- (d) check the roll number on the tear-off declaration against the roll number marked against the voter's name on the voter's roll; and; mark off the voter's name upon the voter's roll when satisfied, as far is practicable that the signature contained on the declaration is that of the eligible voter;
- (e) reject such envelopes and contents that:
 - do not contain the signature of the member on the tear-off slip;
 - do not appear to contain the signature of the member concerned, provided that, should the Returning Officer be satisfied that the person who has completed and signed the declaration is a valid voter and that this valid voter has not voted previously in the ballot and that the reason for the person using this ballot material is due to a satisfactory explanation, then the Returning Officer may accept the declaration as valid and make note of this acceptance on the tear-off slip and against the correct number and name on the voter's roll;
- (f) place all rejected envelopes in storage for no further action in the scrutiny;
- (g) if so satisfied, remove the tear-off slips from the unrejected declaration envelopes and place all tear-off slips in storage prior to opening the "BALLOT-PAPER ONLY" envelopes;

(xvi) When all the "BALLOT-PAPER ONLY" envelopes containing the ballot papers have been so dealt with by the Returning Officer, the Returning Officer shall:

- open the "BALLOT-PAPER ONLY" envelopes and extract the ballot papers, provided that, should more than one identical ballot paper be contained in a "BALLOT-PAPER ONLY" envelope, then all of those ballot papers are to be rejected; and;
- proceed to examine the accepted ballot papers and count the number of votes recorded.

(xvii) The Returning Officer shall not place any mark or writing on a ballot paper which enables any person to identify the voter by whom it was used.

(xviii) A ballot paper shall be informal if:-

- (a) it is not authenticated by the initials of the Returning Officer; or
- (b) if the signature of the voter has not been inserted on the envelope as required by these rules; or
- (c) if it has upon it any mark or writing by which, in the opinion of the Returning Officer, the voter can be identified.

- (xix) Save as otherwise provided, a ballot paper shall not be informal for any reason other than the reasons above specified, and effect shall be given to it according to the members intention so far as the members intention is clear.
- (xx) The counting of votes may be adjourned from time to time as the Returning Officer may reasonably deem necessary before the counting of votes is complete, and the Returning Officer shall take all action necessary for the safe keeping of all envelopes, ballot papers and other documents and to ensure the accuracy of the ballot during any such adjournment.
- (xxi) Should a scrutineer object to a ballot paper as being informal, the Returning Officer shall mark the ballot paper "admitted" or "rejected", according to the Returning Officer's decision to admit or reject the ballot paper and initial such decision.
- (xxii) The Returning Officer may reject any ballot paper as being informal as provided by these rules and shall advise scrutineers of such decision.
- (xxiii) At the conclusion of the count and after reasonable checks have been made, the Returning Officer shall declare the results of the election in writing to the candidates.
- (xxiv) The Returning Officer shall provide a copy of the declaration of results to the Union.

The declaration shall be posted upon the Notice Board in the Union's registered office within twenty-four (24) hours after the issue of such declaration.

(xxv) The declaration of results shall contain:

- (a) the number of ballot papers printed for each ballot;
- (b) the number of eligible voter's on the voter's roll;
- (c) the number of ballot papers issued;
- (d) the number of duplicate ballot papers issued;
- (e) the number of ballot papers remaining on hand;
- (f) the number of ballot papers returned for the scrutiny;
- (g) the number of ballot papers rejected at the preliminary scrutiny;
- (h) total number of ballot papers admitted to the scrutiny;
- (i) the percentage of votes recorded to the number of eligible voters;
- (j) the number of ballot papers returned as unclaimed mail;
- (k) the number of ballot papers not returned.

(xxvi) The Returning Officer shall take such steps as are necessary and practicable to ensure that all ballot papers, envelopes, lists and other documents used in connection with or relevant to an election are preserved and kept for a period of one (1) year after the completion of the election.

Method of counting - election of one candidate only

- 1 The method of counting votes for the election of one candidate only, shall be by the optional preferential voting system, and ballot papers must contain a preference marked for at least one candidate. The Returning Officer shall admit as formal any ballot paper whereby the voter's intention is clear.
- 2 The Returning Officer shall sort the ballot papers into piles for each candidate according to the first preference indicated thereon and shall then count the first preference votes.
- 3 The Returning Officer shall declare to be elected any candidate who secures a total of 50% plus one (1) of the formal votes cast and, if no candidate has secured such a vote, shall exclude the candidate who has secured the least number of first preference votes and distribute that candidate's second preference votes among the remaining candidates.
- 4 Should a ballot paper not contain further preferences marked, then such ballot paper shall be recorded as being exhausted.

- 5 The above procedure shall be continued until a candidate has secured 50% plus one (1) of the formal votes cast, and shall then declare that candidate to be elected.
- 6 If on any count, two or more candidates each receive the same number of votes, the Returning Officer shall decide by drawing lots to determine which candidate shall remain in the count.

(xxix) **Method of counting – election of more than one candidate**

- 1 The method of counting votes for the election of more than one candidate shall be by the multiple preferential voting system, and ballot papers must contain a preference marked for at least the number of candidates to be elected. The Returning Officer shall admit as formal any ballot paper whereby the voter's intention is clear.
- 2 The votes cast shall be classified into two categories as follows:-
 - (a) The preference votes to the number of vacancies to be filled shall be termed as "primary" votes and shall have equal value in the first count and be credited to the candidates for whom they are cast, according to the number of vacancies;
 - (b) The preference votes beyond those referred to in (a) shall be termed "secondary" votes and shall have rank according to their numerical order and shall be allocated in that order unless the ranking secondary vote has been previously allocated.
- 3 The "primary" votes shall be counted. The candidate who receives the least number of "primary" votes shall be excluded from the count.
- 4 Each ballot paper on which such excluded candidate received a "primary" vote shall be examined to determine its "secondary" vote and the preference found shall be allotted to the appropriate remaining candidate on the first count.
- 5 The exclusion of candidates shall continue until the required number of successful candidates can be determined.
- 6 If on any count, the next available preference vote is in favour of an excluded candidate then that preference vote shall be disregarded and the next available preference in favour of a remaining candidate shall be credited to that candidate.
- 7 Should a ballot paper not contain further preferences marked, then such ballot paper shall be recorded as being exhausted.
- 8 If on any count, two or more candidates each receive the same number of votes, the Returning Officer shall be decided by drawing lots to determine which candidate shall remain in the count.

(xxx) **Method of electing Councillors to Council**

The method of Counting for Councillors to Council shall be by the Optional Preferential Proportional voting System as follows:

- 1 The time, date and place for calling nominations and the time, date and place for closing of nominations, for holding the ballot and for counting the ballot shall be determined in accordance with these rules.
- 2 Ballot papers shall be prepared with the preferred names of the candidates listed in an order determined by lot and showing the number of persons to be elected.

Voting Instructions

- 3 (a) The Ballot paper shall have printed on it the following:–

“For your vote to be valid you must indicate your first preference by placing the number (1) opposite the candidate of your first choice.

You may then, if you so desire, show continuing preferences for some or all of the remaining candidates by placing the numbers 2,3,4 etc. opposite their names in the order you desire them elected. Use each number only once.”

- (b) For a vote to be formal it must have the number (1) placed against only one of the candidates. If the number (1) is duplicated or missing that will render the vote informal.

The vote shall be transferred and distributed until it lacks a sequential number or a number is duplicated. At that point the voting papers shall be declared exhausted.

- 4 After the close of the ballot the voting papers shall be removed from the ballot boxes and scrutinised to exclude as informal all ballot papers not complying with the requirements listed in 3 above.

The formal voting papers shall be sorted according to the first preference shown for each candidate and the tally of each candidate shall be recorded in columns in a ‘count sheet’ on the basis of 1 000 points for each vote on the voting paper.

The Quota

- 5 A ‘quota’ is to be calculated in accordance with the following formula:

Total number of votes cast multiplied by 1 000 divided by number of vacancies to be filled plus 1.

The result obtained is to be taken to the next whole figure which becomes the quota.

- 6 All candidates whose value of the first preference vote equals or exceeds the quota shall be declared elected in the order of the highest number of points commencing with the highest.

Transfer Value

- 7 If the number of candidates elected in accordance with 6 (above) does not fill all the vacancies, the preferences of the elected candidates shall be distributed in the following manner:-

- (a) The first preference papers of the highest candidate shall be re-sorted according to the next preference shown for a candidate not yet recorded as elected or defeated (called a continuing candidate) and the total such papers allotted shall be counted. Voting papers which show no further usable preferences (called exhausted papers) shall also be counted.

- (b) (i) The transfer value of each voting paper of the candidate whose surplus of the first preference papers is being transferred shall be calculated by subtracting the quota from the value of that candidate’s preference papers and dividing the surplus by the number of usable papers (That is to say the total number of papers less the exhausted papers). The whole number part of the result shall be the transfer value and any remainder shall be entered opposite a remainder entry on the counting sheet.

- (ii) If the transfer value found by Rule 7(b)(i) of Appendix A is more than 1,000, then each usable paper is given a value of 1,000 and the remainder unused total shall be entered on the count sheet as exhausted papers.

- (c) The value of the papers allocated to each continuing candidate shall be calculated by multiplying the number of papers allotted by the transfer value of each paper.

- (d) Calculate the progressive total for each continuing total and ensure that the grand total of all continuing totals agrees with the grand total of the first allocation of votes and of each progressive total.

- 8 The provisions of Rule 6 and 7 of Appendix A shall then be applied successively until all surpluses have been allocated. Those rules shall be applied to subsequent counts by allocating the surpluses of

candidates in order of their elections, notwithstanding that a candidate subsequently elected may have been elected with a larger surplus than the candidate earlier elected.

- 9 If a candidate receives an exact quota and no surplus, the candidate's papers shall be set aside and not used further in the election.
- 10 When a candidate receives a surplus of points as a result of the preference distribution of another elected candidate, then only the last bundle of papers received producing the surplus is to be used to calculate the surplus to be distributed among the continuing candidates at the new transfer value and the earlier papers shall be set aside and not used further in the election.

Equal Points

- 11 When two candidates are elected with an equal number of points, then the candidate with the highest number of points when they were last unequal shall be deemed to be first elected or elected as the case may be. If every previous progress total was equal, then the Returning Officer shall determine by lot which candidate is deemed to be elected first or elected as the case may be.

Optional Deferment of Transfer of Surplus

- 12 (a) The Returning Officer may delay the transfer of a surplus, if the value of that surplus together with the value of any other surplus not yet transferred:
 - (i) is less than the difference between the quota and the highest progress total of a continuing candidate; and
 - (ii) is also less than the difference between the progressive totals of the two lowest continuing candidates.
- (b) Where a transfer of a surplus is delayed, the matter of the delay shall be reconsidered after every candidate is dealt with in order to ensure that conditions (i) and (ii) above still apply.
- (c) The transfer of one surplus may not be delayed so that a later transfer can be made.

Elimination of Defeated Candidates from Count

- 13 If all surplus points of elected candidates have been allocated and vacancies remain to be filled, then the vacancies shall be filled as follows:-
 - (a) All candidates with no points shall be recorded as defeated on the 'count sheet'.
 - (b) The candidate with the lowest total of points shall be declared defeated and that candidate's papers shall be distributed bundle by bundle in the order in which they were received and allotted to each continuing candidate indicated as being preferred to any other continuing candidate at the same values at which the papers were originally received by the defeated candidates. Every bundle of papers is to be kept separate even though a candidate has other papers of the same transfer value.
 - (c) Rule 10 - 13 of Appendix A shall apply to each bundle of papers dealt with in accordance with (b) above.
 - (d) When a candidate receives a quota by this method, no further papers shall be allocated to that candidate beyond the bundle which gave that candidate a surplus and the distribution of the defeated candidate's papers shall be completed before the new surplus is transferred.
 - (e) The new surplus shall be transferred or delayed in accordance with the preceding rules before another candidate is eliminated pursuant to this rule.
 - (f) When it is necessary to eliminate a candidate and two or more candidates have equal progressive totals lower than other progressive totals, the candidate whose progressive total was lower when they last had unequal totals shall be eliminated. If those candidates were equal at every

progressive total, the Returning Officer shall decide by lot which candidate is to be eliminated first.

Completion of Count

- 14 The procedure of transferring the surplus of successful candidates and of eliminating in succession the defeated candidates shall be continued until the election is finished. The election shall be finished when:–
- (a) the number of candidates recorded as elected equals the number of vacancies; or
 - (b) where the number of continuing candidates is equal to the number of vacancies not yet filled, all such candidates shall be recorded as elected.
 - (c) only one vacancy remains unfilled and two continuing candidates remain, in which case the candidate with the highest progressive total shall be recorded as elected; or
 - (d) where only one vacancy remains unfilled and two continuing candidates remain and are on equal points, the candidate whose progressive total was higher when they last had unequal totals shall be declared elected if those candidates were equal at every progressive total. The Returning Officer shall decide by lot which candidate is elected.