

- (g) shall, on behalf of Council, prepare and present to each Annual General Meeting of the members a full report of the proceedings and of the activities of the Union during the previous twelve (12) months.

DUTIES OF VICE-PRESIDENTS

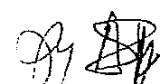
- 42 (a) Where the President is unable, or unwilling to act, the Senior Vice- President shall be the President until such time as the President is able and willing to act, and where each of the President and the Senior Vice-President are unable, or unwilling to act, a Junior Vice-President shall be appointed 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, a Junior Vice-President (selected by Council 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 Junior 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.

DUTIES OF SECRETARY

- 43 (a) The Office of Secretary of the Union shall be a Senior Executive Office, and the Secretary shall be employed by the Union on such terms as may be mutually agreed by the Council and published in the Union Journal prior to the opening of the quadrennial ballot for the office of Secretary.
- (b) The terms of the Secretary's employment shall be in writing and executed by the Secretary and the President of the Union.
- (c) 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) be prepared, at all regular monthly meetings of the Council, to give a statement of the Union's current account, and submit to the Council a yearly statement showing the true financial position of the Union as at 30 June in each year;
- (vi) 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;
- (vii) 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;
- (viii) 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;
- (ix) 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 1999;
- (x) 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;
- (xi) act as editor and business manager of the Union Journal and any other official publication of the Union;
- (xii) 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;
- (xiii) 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;



- (xiv) 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 1999, 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;
 - (xv) ensure that the decisions of Council and Executive are implemented;
 - (xvi) 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:
 - (1) of the financial obligations arising from membership,
 - (2) the circumstances and the manner in which a member may resign from the Federal Organisation; and
 - (3) that the application will be made on a specified date unless the member instructs the Secretary otherwise.
 - (xvii) such other duties as are nominated in the terms of employment as mutually agreed by the Council and the Secretary;
 - (xviii) notify the Queensland Industrial Relations Commission in the prescribed manner of the existence or likelihood of industrial disputes;
 - (xix) 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.
- (d) 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.



- (e) 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.

DUTIES OF ASSISTANT SECRETARIES

- 44 (a) The offices of Assistant Secretaries shall be Senior Executive Offices and the Assistant Secretaries shall be employed by the Union on such terms as may be determined by Council and published in the Union Journal prior to the opening of the quadrennial ballot for the offices of Assistant Secretary.
- (b) The terms of the Assistant Secretaries' employment shall be in writing and executed by each Assistant Secretary and the President of the Union.
- (c) 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.

DUTIES OF THE TREASURER

- 45 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, at each regular meeting of the Council, to give a statement of receipts and payments;
- (b) shall furnish to the Annual General Meeting of members a yearly statement of receipts and payments, with the statement showing assets and liabilities;
- (c) shall co-operate with the Secretary in presenting an annual budget to the Meeting of Council.;
- (d) shall, as directed by the Council, control all real property of the Union and invest the funds of the Union;
- (e) shall keep a Register of investments in such form and detail as to show the value of investments made on behalf of the Union and shall keep separate accounts of all moneys received or paid on account of every particular fund and shall allow the President and the Secretary and persons authorised by them to inspect at any time during ordinary office hours any such Register or account or records; and
- (f) 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.

- (g) 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.

RETURNING OFFICER

- 46 (a) The Annual General Meeting 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 until the Annual General Meeting of members in the following year. For the conduct of elections for officers required under the Industrial Relations Act 1999, the Returning Officer or manager of the election shall be the Queensland Electoral Commission unless otherwise determined by Council.
- (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.

DUTIES OF COUNCIL DELEGATES

- 47 Every Council Delegate shall:-
- (a) encourage persons eligible to join the Union to make application for membership;
 - (b) take up and pursue through the Union, enquiries and matters raised by members;
 - (c) promote interest in the Union and its affairs by its members, particularly those within the Delegate's Division or sub-division;

- (d) promote the interests of the Union to the public and promote public interest in the Union;
- (e) attend Council Meetings and report to members in the Delegate's Division or sub-division (as the case may be) thereupon;
- (f) attend meetings of Agency Committees, Regional Organising Committees and Common Interest Groups and report thereon to members;
- (g) distribute information relating to the Union, particularly to members and make submissions on behalf of members; and
- (h) raise and discuss topical industrial and related issues with members.

ROLE OF WORKPLACE REPRESENTATIVES

- 48
- (a) The role of Workplace Representatives shall be identical to that of Council Delegates in Rule 47, except for sub-rules (e) and (f) thereof.
 - (b) The Workplace Representatives may determine to form Workplace Organising Committees.
 - (c) The role of the Workplace Organising Committees is to co-ordinate the activities of Workplace Representatives in organising Union members in a workplace.

INTERPRETATION OF RULES

- 49
- (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.

ALTERATIONS TO CONSTITUTION AND RULES

- 50 (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 appears in the official Journal of the Union.

DISSOLUTION

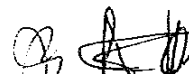
- 51 (a) The Union may be dissolved and its registration cancelled upon the affirmative vote for dissolution and cancellation of registration of a majority of the financial members of the Union.
- (b) Any such ballot as described in sub-rule (a) herein, shall be conducted by the Returning Officer appointed 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.

TRANSITIONAL RULE

52

- (a) Application of Transitional Rule

As from Amalgamation Day the provisions of this Rule shall apply notwithstanding anything else contained in these Rules.



(b) Definitions

- (i) "AMACSU" shall mean the Australian Municipal, Administrative, Clerical and Services Union, Central and Southern Queensland Clerical and Administrative Branch, Union of Employees.
- (ii) "QPSU" shall mean The Queensland Public Sector Union of Employees.
- (iii) "Amalgamation Day" shall mean the date fixed pursuant to Section 138 of the Industrial Relations Regulation 2000 upon which the amalgamation of the AMACSU and the QPSU is to take effect.
- (iv) "Union" shall mean the Unite Queensland, Industrial Union of Employees.
- (v) "General Division" shall mean the General Division of the Union.
- (vi) "Public Service Division" shall mean the Public Service Division of the Union.

(c) Members

- (i) Persons who are members and Retirement Members of the AMACSU on the day immediately preceding the Amalgamation Day shall on the Amalgamation Day become members of the Union allocated to the General Division.
- (ii) Persons who are members of the QPSU on the day immediately preceding the Amalgamation Day shall on the Amalgamation Day become members of the Union allocated to the Public Service Division.
- (iii) The Interim Executive shall as soon as practicable after the Amalgamation Day allocate or reallocate members to the Divisions in accordance with Rule 7.

(d) Financiality

A member of the AMACSU or the QPSU who was on the day immediately preceding the Amalgamation Day a financial member of the AMACSU or the QPSU, shall be deemed, on the Amalgamation Day to be a financial member of the Union for such period of time as such person would have remained a financial member of the AMACSU or the QPSU pursuant to the rules of either organisation by virtue of having paid contributions in a given amount to the AMACSU or the QPSU.

e) Union Offices

- (i) The holders of an office in the AMACSU or the QPSU shall, on the Amalgamation Day, assume an office in the Union in accordance with the following schedule.
- (ii) The organisation in which the office is held as at the day before the Amalgamation Day is set out in column 1.
- (iii) The office existing as at the date before the Amalgamation Day is set out in column 2.
- (iv) The office in the Union that will be occupied on and from the Amalgamation Day is set out in column 3.
- (v) The term of Office of the Office set out in column 3 shall expire in the year set out in column 4.

Column 1	Column 2	Column 3	Column 4
QPSU	General Secretary	Secretary	2015
QPSU	Assistant General Secretary	Assistant Secretary (No.1)	2015
AMACSU	Branch Secretary	Assistant Secretary (No.2)	2011
AMACSU	Assistant Branch Secretary	Deputy Secretary	2011
QPSU	President	President	2012
QPSU	Senior Vice - President	Senior Vice - President	2012
QPSU	Junior Vice - President (3)	Junior Vice - President (3)	2012
QPSU	Honorary Treasurer	Treasurer	2012
QPSU	Assistant Honorary Treasurer	Assistant Treasurer	2012
QPSU	Executive Other Member (9)	Interim Executive Member (9)	2012
AMACSU	Branch President	Senior Vice - President	2012
AMACSU	Branch Vice - President	Junior Vice - President	2012
AMACSU	Branch Executive Member (6)	Interim Executive Member (6)	2012

(f) Senior Officers

The offices of Secretary, Assistant Secretary (No.1), Assistant Secretary (No.2), and the Deputy Secretary shall be full - time offices and collectively known as the Senior Officers.

(i) Interim Executive 2011 - 2012

On the Amalgamation Day there shall be an interim Executive comprised of:

1. the Senior Officers and
2. the President, Senior Vice - Presidents (2), Junior Vice - Presidents (4), Treasurer, Assistant Treasurer and the Interim Executive Members (15).

(ii) Members of the Interim Executive who were officers of the QPSU on the day immediately preceding the Amalgamation Day shall exercise two (2) votes each whilst members who were officers of the AMACSU on the day immediately preceding the Amalgamation Day shall exercise one (1) vote each.

(iii) Interim Executive 2012 - 2015

1 On and from the elections to be held in 2012 the Interim Executive shall be comprised of:

- (i) the Senior Officers and
- (ii) the President, Senior Vice - Presidents (2), Junior Vice - Presidents (4), Treasurer, Assistant Treasurer and the Interim Executive Members (11).

2 Members of the Interim Executive for the period 2012 - 2015 shall exercise one (1) vote each.

(g) Interim Council 2011 - 2012

- (i) On the Amalgamation Day there shall be an Interim Council consisting of:
- (1) the officers of the Council and Executive of the QPSU as at the day immediately preceding the Amalgamation Day; and
 - (2) the officers of the Branch Council and Branch Executive of the AMACSU as at the day immediately preceding the Amalgamation Day.
- (ii) The Interim Council shall remain in place until the elections due in 2012. The Interim Council shall prior to the elections due in 2012 determine the permanent structure for the Council by way of a postal ballot of the Interim Council.
- (iii) Any alterations to the Rules of the Union by the Interim Council shall only be authorised by a postal ballot of the Interim Council.
- (iv) Members of the Interim Council who were officers of the QPSU on the day immediately preceding the Amalgamation Day shall exercise one (1) vote each whilst members who were officers of the AMACSU on the day immediately preceding the Amalgamation Day shall exercise four (4) votes each.

(h) Voting by Delegates to Interim Council 2011-2012

In 2011 any decisions of the Interim Council which are determined by postal ballot shall be conducted as prescribed by the constitution and rules and standing orders of the union except that the method for counting the postal ballot shall be in accordance with this Rule.

All decisions relating to the sub-divisions for the 2012 elections or changes to the Constitution or Rules by the Interim Council will be made by postal ballot where the following formula will be used:

$$(a/b)+(4*c/d)$$

Where:

a is the total number of ballots cast in favour of the proposition by Interim Council delegates from AMACSU

b is the total number of ballots returned by Interim Council delegates from AMACSU c is the total number of ballots cast in favour of the proposition by Interim Council delegates from QPSU

d is the total number of ballots returned by Interim Council delegates from QPSU

The proposition will be declared passed if those in favour of the proposition under the formula is in excess of 2.5 except for a change to the Constitution which will be declared passed if those in favour of the proposition under this formula is in excess of 3.5.

(i) Election 2011

- (i) In 2011 there shall be an election for the offices of Assistant Secretary (No.2) and the Deputy Secretary.
- (ii) The officers shall be directly elected by the membership of the General Division.
- (iii) Persons elected to offices pursuant to this sub-Rule shall hold office until the declaration of the ballot for the elections to be held in 2015.
- (iv) The Returning Officer shall call for nominations on 2 March 2011 and nominations shall close 14 days thereafter.
- (v) All candidates must be nominated by two (2) members of the General Division who are financial members as at 28 February 2011 with the candidate's consent in writing.
- (vi) Only members of the General Division who are financial at the date on which nominations close, and have been continuously financial for 12 months immediately preceding that date in the Union and AMACSU shall be eligible to be nominated. For the purposes of this sub-rule financial membership of AMACSU shall be counted in the calculation of any period of membership.
- (vii) The election shall otherwise be held in accordance with Rule 30 and Appendix A to these Rules.

(j) Election 2012

- (i) In 2012 there shall be an election for the offices of President, Senior Vice -President (2), Junior Vice - President (4), Treasurer, Assistant Treasurer and Interim Executive Members (11).
- (ii) The offices other than the Interim Executive Members (11) shall be directly elected by the membership of the Union provided that one (1) Senior Vice President and one (1) Junior Vice President shall be elected by and from the membership of the General Division only. The Interim Executive Members (11) shall be elected on a collegiate basis by the Interim Council. Seven (7) Interim Executive Members shall be eligible to be elected from the Public Service Division and four (4) Interim Executive Members shall be elected from the General Division.
- (iii) Persons elected to office pursuant to this sub-Rule shall hold office until the declaration of the election for the elections to be held in 2015.
- (iv) In 2012 there shall be an election for the Council to replace the Interim Council. Persons elected to the Interim Council in 2012 shall hold office until the declaration of the elections to be held in 2015.

(k) Synchronisation of elections – 2015

To achieve the synchronisation of elections in 2015, the positions on the day before the Amalgamation Date of General Secretary and Assistant General Secretary of the QPSU shall be extended for a period of not more than 12 months.

(l) Duties of Officers 2011-2015

- (i) The Secretary and the Assistant Secretary (No.2) shall be jointly responsible for developing and implementing the industry direction in the public health and higher education (University) areas. Such development and implementation will be by consensus. Where consensus cannot be reached, the development and

implementation will be referred to the Interim Council prior to 2012 or to the relevant sub-division delegates after the election in 2012 in accordance with the Rules for determination.

- (ii) The Assistant Secretary (No.2) shall in addition to the duties contained elsewhere in these Rules, be responsible for:
 - (1) the industrial direction of members in the General Division excluding the public health and higher education (Universities) areas;
 - (2) any liaison between the Union and the Federal Organisation; and
 - (3) any activities relating to external entities to which the Union is affiliated, including the determination of delegations or representatives to such entities.
- (iii) The Deputy Secretary shall assist the Assistant Secretary in the performance of the duties set out in paragraph (ii) above.
- (m) Leave Reserved
- (n) Agency Committees, Common Interests Groups and Regional Organising Committees
 - (i) All Agency Committees, Common Interest Groups and Regional Organising Committees of the QPSU existing on the day immediately preceding the Amalgamation Day, shall on the Amalgamation Day be deemed to be Agency Committees, Common Interests Groups and Regional Organising Committees of the Public Service Division.
 - (ii) All Chairpersons and Deputy Chairpersons of Agency Committees, Common Interest Groups and Regional Organising Committees holding those positions on the day immediately preceding the Amalgamation Day, shall on the Amalgamation Day be deemed to be Chairpersons and Deputy Chairpersons of Agency Committees, Common Interest Groups and Regional Organising Committees of the Public Service Division until the elections due to be held in 2012.
- (o) Workplace Representatives, Stewards, Office Representatives and Authorised Collectors
 - (i) Persons holding positions of workplace representatives in the QPSU on the day immediately preceding the Amalgamation Day shall on the Amalgamation Day be deemed to be workplace representatives of the Public Service Division.
 - (ii) Persons holding positions of workplace representatives, stewards, office representatives and authorised collectors in AMACSU on the day immediately preceding the Amalgamation Day shall on the Amalgamation Day be deemed to be workplace representatives, stewards, office representatives and authorised collectors of the General Division.
- (p) Casual and Unfilled Vacancies 2012 – 2013
 - (i) If any positions of delegates to Interim Council have not been filled at election or a casual vacancy arises, the vacancy shall be filled by way of an election conducted in accordance with the relevant Rule and the nominations shall close in December, and



the election, if required, is to be held in February of the second year of the term for a biennial term and the second year and third year of the term for a triennial term.

- (ii) In the event of a casual vacancy occurring in any Senior Office or Executive Member, an election is to be held for the filling of such vacancy in accordance with the relevant Rule provided that where the unexpired period of office is 12 months or less in the case of an office elected biennially or two (2) years or less in the case of an office elected triennially or three (3) years or less in the case of an office elected four yearly, the Council or Interim Council may:
 - (i) determine that election be not held; and
 - (ii) appoint a person able to fill the vacancy.
 - (iii) Provided that should a casual vacancy occur in the office of Assistant Secretary (No.2) or in the office of Deputy Secretary only a member of the General Division shall be eligible to be elected or appointed to fill such offices.
- (q) Employees
- (i) Each employee position existing in the QPSU on the day immediately preceding the Amalgamation Day shall become an employee of the Union.
 - (ii) Provided that the terms and conditions of employment of the employees of the Union shall be subject to existing industrial arrangements.
- (r) Subscriptions and Levies
- (i) On and after the Amalgamation Day there shall be a process to ensure that members transfer to paying subscriptions on a financial year basis.
 - (ii) Provided that each person who on the day immediately preceding the Amalgamation Day was a financial member of the QPSU through the payment of an annual subscription based on a calendar year continues to be a financial member of the Public Service Division of the Union and that this sub-Rule shall continue to apply.
 - (iii) Subscriptions shall be the initial subscription rate applicable to each member as at the day before the Amalgamation Day and increases shall apply on the following basis:
 - 1 January 2011 - 2%;
 - 1 July 2011 - 4%;
 - 1 July 2012 - 4%.
- Membership subscriptions (excluding discounts) for the period up until 30 June 2013 are set out below:
The wage rates for determining subscription levels are based on the *State Government Departments Certified Agreement 2009* for the rate effective from 1 August 2010.

Subscriptions 1/1/11 – 30/6/13

Wage rate (full-time equivalent [FTE] employees) per fortnight as of 1/8/10	Subscription amount (\$) per annum			
	2010	1/1/11-30/6/11	1/7/11	1/7/12
3020.80 and above	503	513	533	554
2632.80 - 3020.70	488	498	518	539
1514.20 – 2632.70	473	483	503	524

**Wage rates
(less than FTE or
under 21 years of age)**

Working between 50% and 100% of FTE hours	386	393.50	409.20	425.50
Under 21 years OR Working less than 50% of FTE hours	236.50	241.50	251.50	262
Continuing members	40	40	40	40

(iv) As part of the transfer to a financial year, members paying full yearly subscriptions by 30 September will receive a discount of \$22 for full time employees or for members who are less than a full time equivalent (FTE) or under 21 years of age a discount of \$11.

(v) Members of the Public Service Division shall pay levies for the period 1 January 2011 to 30 June 2013 on the following basis:

Levies 1/1/11 – 30/6/13

Area	Amount \$		
	1/1/11 – 30/6/11	1/7/11	1/1/12
Health* – professional indemnity	15	30	30
Corrections (custodial officers legal insurance)	104	104	104

*The Health levy is paid by Queensland Health (including Mater Misericordiae) employees (except for administration staff, doctors, dentists and corporate office) plus all therapists working in Housing (within Department of Communities), Education Queensland or the private sector; along with some workers in Disability Services Queensland (DSQ).

(s) Interim Council Committees

- (i) Council Committees of the QPSU existing as at the date before the Amalgamation Day shall be deemed to be Committees of the Interim Council and shall retain their membership structure together with two (2) additional members from the General Division nominated by AMACSU prior to the Amalgamation Day.

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.

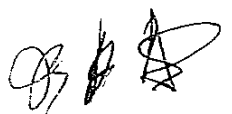
Provided that this Order of Business can be altered by a simple majority in support of a procedural motion that that effect.

C. - STANDING ORDERS

The Council 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 Council 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.



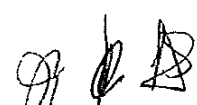
APPENDIX A

CONDUCT OF ELECTIONS

- (i) The Returning Officer shall call nominations pursuant to Rule 29 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) 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;

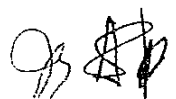
which shall be forwarded at no expense to the voter.

- (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 "Unite 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

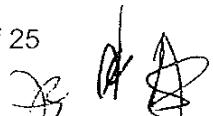
13. If all surplus points of elected candidates have been allocated and vacancies remain to be filled, then the vacancies shall be filled as follows:-
- (a) All candidates with no points shall be recorded as defeated on the 'count sheet'.

- (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.

SCHEDULE 4

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SCH 4

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between the Federated Clerks Union of Australia (hereinafter referred to as 'FCU') the Federated Municipal and Shire Council Employees' Union (hereinafter referred to as 'MEU') and the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union (hereinafter referred to as 'ASU') In order to set out principles and agreements upon which the proposed amalgamation of the three organisations shall be determined. This agreement will form part of the scheme of amalgamation and is therefore binding, as part of the amalgamation process, on the three organisations.

WHEREAS

1. The FCU, MEU and ASU have decided to pursue an amalgamation of the three unions; and
2. The FCU, MEU and ASU have agreed upon the basis of that amalgamation as set out in a scheme of amalgamation and the proposed rules for the amalgamated union.

NOW THIS AGREEMENT WITNESSES

That the FCU, MEU and ASU have agreed on the following as part of the proposal to amalgamate:

1. Staff

It is agreed that all staff employed by the FCU, MEU and ASU on the day before the amalgamation day shall be employed by the amalgamated union on terms and conditions of employment which are no less favourable than the terms and conditions of employment which apply to those staff as at the date of this agreement, together with any normal or usual salary increases or increments which might take place between the date of this agreement and the amalgamation day. Provided that this commitment shall only apply to staff within normal establishment as at the date of making this agreement.

2. Subscriptions and Capitation

It is agreed that, in accordance with the rules of the amalgamated union, subscriptions will be set by the Branch Executive or Branch Committee of Management of each Branch of the amalgamated union.

7.1.10

It is further agreed that for the transition period, capitation (sustentation) payable by each Branch shall be based on the same formula as applied to each Branch within the three amalgamating unions, subject to such amounts where they are based on a dollar amount per Branch being increased to meet cost increases incurred over the previous year.

It is further agreed that in setting capitation after the transition period the National Executive shall take into account the level of services provided by each Branch.

3. National/Branch Operating Expenses

It is agreed that for the transition period -

Legal costs

Costs of delegates/representatives attending meetings of the -

National Executive Committee,
National Executive, and
National Conference,
and other National meetings

shall be met by the Branches or the National Executive in exactly the same way as those costs would have been met within each of the three amalgamating unions.

4. Review of Structure

It is agreed that to facilitate the decision of National Executive pursuant to Rule 77 and subject to the provisions of Rule 77 that the National Executive Committee of the amalgamated union shall establish a working party with equal representation from each of the three amalgamating unions to:-

- a. Examine and review the permanent National structure of the union and make any necessary recommendations to National Executive.
- b. Make recommendations to National Executive as to the composition of the National Divisions.
- c. To specifically examine the need for Assistant National Secretaries (of Divisions) and whether if those positions remain they be filled on a full-time or other basis and what the role and functions of such positions would be.

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It is agreed that the review of Divisional structure to be undertaken by the National Executive in accordance with Rule 77 and in accordance with this memorandum of understanding shall include a review of the Industry Divisions of the Services Division.

5. Rank and File Representation

The FCU, ASU and MEU are committed to having rank and file representation throughout the decision making bodies of the amalgamated Union.

6. Code of Practice - Competition between ASU/MEU/FCU for period leading up to Amalgamation

PREAMBLE

The relevant National bodies of the Australian Services Union (ASU), Municipal Employees Union (MEU) and Federated Clerks Union (FCU) have resolved to effect a three way amalgamation.

Until amalgamation all three unions agree to act in a cooperative way and, wherever possible, to adopt common approaches on matters which affect the unions' members and within the trade union movement generally. In particular where two of the unions have membership within the same industry or employer the unions agree to consult with each other about issues that affect the members and generally to act in consent.

Where two of the unions currently compete or have the potential to compete for membership the current code of practice shall apply.

- a. Each union agrees not to recruit any member of any of the other unions as from 26 March 1992 in areas where the union currently compete for members. This means that each union will not accept applications for membership from members of the other unions where any of them compete.
- b. If a member of one of the unions insists on their legal right to transfer to another of the unions then the matter shall be referred to a meeting of the two relevant Branch Secretaries in the first instance to be resolved by agreement with the primary objective to be a maintenance of the status quo subject to the ACTU policy on maximising union membership with any industry/ employer/ enterprise. If agreement cannot be reached between Branch Secretaries concerned then the matter shall be referred to the National "Code of Practice" working party.

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- c. In the Brisbane City Council, Queensland Electricity industry and ETSA both the FCU and ASU shall be able to recruit new employees or non-members within their traditional areas provided that
- . Differences in the levels of union subscriptions shall not be used to attempt to entice non-members or new employees to join a particular union.
 - . Neither union shall denigrate the other union in any way.
- d. Where competition exists then the unions involved shall agree to be part of a single bargaining unit and each union may continue to represent its members however, either union may request the other union to represent their members in negotiations/arbitration provided that this shall not be used in any way to denigrate that union or to influence that union's members to transfer membership.
- e. In the Domestic airlines and Foreign carriers the status quo with respect to recruitment between the ASU and FCU shall continue.
- f. In Qantas the current agreement between the ASU Airlines Branch and the FCU shall continue.
- g. In New south Wales County Councils the status quo shall remain including the agreement with respect to membership which currently exists as between the ASU and MEU.
- h. The current historical demarcation between the ASU and MEU in W.A. and Tasmania shall continue.
- i. The membership agreement between the ASU and MEU in Victoria Local Government shall continue.
- j. The current and historical demarcation between the FCU and ASU in the Hydro-electric Commission of Tasmania shall continue.
- k. In Queensland Railways the FCU agrees not to recruit any new members. Any transfer of existing FCU members to be subject to the agreement of the FCU Central and Southern Queensland Branch by way of that Branch issuing clearances.
- l. The relevant ASU Branches shall continue their coverage of Port Authorities as will the relevant FCU Branches. The ASU and FCU will propose to the WWF that the FCU become a party to the ASU/WWF agreement.

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- m. In Information Technology the ASU and FCU agree to undertake joint recruitment and industrial campaigns or after consultation between the relevant Branches and National Officers recruitment by one union which will maximise membership to the amalgamated union.
- n. In the Social Welfare area further discussions will take place between the ASU and FCU once the ASWU has formally amalgamated with the ASU.
- o. In the Shipping and Travel area further discussions will take place between the ASU and FCU once the ASTOA has formally amalgamated with the ASU.
- p. The three unions agree to consult with each other before serving logs of claims which are likely to expand coverage into competition areas or to supplant State Awards which may have implications for the other union(s).
- q. If there are any difficulties or disputes which arise under paragraphs 3 to 16 above then they shall first be referred to a meeting of the relevant Branch Secretaries as specified in 2 above and if the matter cannot be resolved then referred to the National "Code of Practice" Working Party as also specified in 2 above.

7. Membership Competition between Branches in the Amalgamated Union (except with respect to Airlines)

- a. It is agreed that competition between Branches in the amalgamated union should not take place.
- b. Whilst recognising that membership competition between Branches should not take place within the amalgamated union the three unions further recognise that difficult issues including Branch and electorates for elected officials must be overcome in the context of eliminating competition.
- c. The most effective way of eliminating/competition is for Branches where competition exists to merge. Enough time should be allowed following the amalgamation for those branches which are in competition to realistically assess the likelihood and timing of such merges.
- d. Where mergers are not possible in the short term then the following should apply:
 - i. the basic principles of the Code of Practice leading up to amalgamation should continue.



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- ii. the Branches must cooperate including the continuing operation of single bargaining units.
- iii. the union cannot be represented at negotiations/arbitrations by representatives of different Branches taking different positions.
- iv. the position to be adopted at negotiations/arbitrations must be determined by the single bargaining union process. The representation at negotiations/arbitrations must be determined by the two Branch Secretaries concerned, and if agreement cannot be reached by the relevant joint National Secretaries or National Executive.
- v. servicing agreements where one Branch has significantly more members than the other should be discussed and concluded wherever possible. Such agreements may involve:
 - the straight transfer of membership
 - the transfer of membership but with phasing out of membership subscriptions
 - the transfer of membership together with the transfer of staff to service that membership.
 - membership to continue as at present but with one Branch paying the other to provide industrial service.

8. ASU/FCU Airlines Members Code of Practice

- a. The proposed Code of Practice, 26 May 1992, shall apply to the date of amalgamation subject to what follows.
- b. The FCU and the ASU recognise that in the event of successful amalgamation, the servicing of Airline awards and agreements, and the servicing of Airline members will become a shared responsibility where appropriate.
- c. The FCU, ASU and MEU have agreed in principle to the formation of six national divisions. Clearly the attachment of Airline members to divisions will be a key element of those deliberations.
- d. The former FCU and ASU officers and Executive members will, within two months of amalgamation, in consultation with Branch Secretaries, commence a detailed examination of all aspects of award and membership servicing.

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- e. The question of creation of divisions, Branch mergers, and membership servicing agreements, require consideration at all levels of the new union of issues wider than those that relate to the Airline Industry. The issues aforementioned cannot be determined ex-parte similar issues of concern affecting the viability of Branches generally and the best interests of members.

9. National Women's Policies

It is agreed that:-

- a. A National Women's Consultative Committee (NWCC) be formed by the National Executive of the amalgamated Union. The purpose of an NWCC will be to make recommendations to the National Executive about the formulation and implementation of women's policies. The Working Party to be formed in accordance with Clause 4 of this Memorandum, examine the role of a National Women's Consultative Committee (NWCC), the appropriate levels of representation and the frequency of meetings.
- b. That an affirmative action plan for women members be developed by the new union to meet the needs of the union.
- c. A national publicity strategy be developed to address the information and publicity needs of women throughout the new union, their occupations, locations and industries.
- d. That policies relating to issues of concern to women such as outwork, childcare, workplace harassment and discrimination be developed by the amalgamated union in accordance with the ACTU Working Women's Charter.
- e. That all Divisions of the new union endeavour to develop nationally consistent methods of statistical collection which provide quantitative data about the proportion of women members throughout the union and including data about women on the unions governing bodies.
- f. The Working Party referred to in sub-clause a, hereof examine and recommend on the composition, arrangements, costing and representation of Branches at an Annual National Women's Conference be held to address issues of concern to women in the union to be attended by women delegates.
- g. That the union continue to provide quality trade union training programs for all members and that women members be actively encouraged to attend.

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- h. That a full-time officer of the national union be appointed by the National Executive as National Women's Officer and that officer's responsibilities will include research on and implementation of policies for women. The National Executive shall formulate procedures to ensure that staff of the three amalgamating unions have an equitable opportunity to be considered for the position.
- i. That the union identify strategies and areas for the recruitment of new members and that resources be allocated to recruiting women members as part of this strategy.
- j. The National Womens Consultative Committee shall be responsible to National Executive. The NWCC shall report annually, at the last meeting of the National Executive in each calendar year on its activities, implementation of womens policies, development of future strategies, and the representation of women in the union.

10. Elections to be held after 1996

It is agreed that:

In elections to be held within Branches, the rules will provide that candidates be nominated from among eligible financial members, by two eligible financial members. ("Eligible" herein, refers to the universal provisions of Rules 39 and 40), provided that:

- a. Branches may provide in their Rules for the Office of Branch Secretary to be the (first) Branch representative on National Executive, and the first Delegate to National Conference.
- b. Branches may provide in their Rules for the offices of National Executive member, Alternate National Executive member, Delegate to National Conference, and Alternate Delegate to National Conference to be from among those elected by rank and file elections to Branch Council.
- c. Branches may provide in their rules for honorary members of Branch Executives to be elected by and from Branch Councillors elected by rank and file election.

11. Calculation of Membership Numbers

It is agreed that -

- a. The Working Party to be set out in accordance with Clause 4 of this Memorandum will consider and recommend an appropriate Rule or method of calculating the membership numbers attached to Branches, and allocated to National or Industry Divisions.

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- b. The same calculation shall apply to the determination of the number of delegates to National Conference to which Branches become entitled, and to the liability of Branches to pay Capitation fees.
- c. The principle to be followed by the Working Party shall be that, for the purposes set out in b. hereof, the number of members will be deemed to be the equivalent of the number of full adult subscriptions received by the Branch.

Casuals, part-timers, juniors or others (excluding Associate Members), who pay less than the appropriate level of full adult fees charged by the Branch, shall be grouped according to the percentage of the full adult fee they pay, and their actual number, or actual contributions, divided pro-rata, so that the resultant sum is full time adult equivalent units of membership.

DATED this day of October, 1992.

Hugh Armstrong

 National Secretary
 Federated Clerks Union of Australia

S. P. Jones

 National Secretary
 Australian Services Union

P. Skerf

 Federal Secretary
 Federated Municipal and Shire Council
 Employees' Union of Australia

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