

CONTENTS

Rule	Title	Page
1.	Title	2
2.	Registered Office	2
	Definition	2
3.	Place of Meeting	2
4.	Objects	3
5.	(Reserved)	3
6.	Eligibility for Membership	3
7.	Admission of Members	5
8.	Legal and Industrial Assistance	5
9.	Mortality Benefit	6
10.	Resignation of Membership	6
11.	Cancellation of Membership	7
11A	Date of Termination of Membership Otherwise than by Resignation	8
12.	Powers and Functions of Council (including Powers and Functions of Executive)	8
13.	Delegate Rights	9
14.	Composition of Council	10
15.	Composition of Executive	11
16.	QPSU Agency Committees	11
17.	Common Interest Groups	11
18.	Regional Organising Committees	11
19.	Annual General Meeting	12
20.	General Meetings	13
21.	Membership Ballot	14
22.	Workplace Representatives	14
23.	Union Meetings	14
24.	Postal Ballot of Council	15
25.	Meetings Other than Council	15
26.	Nominations	16
27.	Elections	17
28.	Removal from Office	17
29.	Casual Vacancies	18
30.	Application of Funds	19
31.	Subscriptions	19
32.	Levies	20

33.	Execution of Cheques	20
34.	Audit	21
35.	Inspection of Books	21
36.	Duties of the President	21
37.	Duties of Vice-Presidents	22
38	Duties of General Secretary	22
38A	Duties of Assistant General Secretary	24
39.	Duties of the Honorary Treasurer	24
40.	Returning Officer	25
41	(Reserved)	25
42.	Duties of Council Delegates	25
43.	Role of Workplace Representatives	26
44.	(Reserved)	26
45.	(Reserved)	26
46.	Interpretation of Rules	26
47.	Alterations to Constitution and Rules	26
48.	Dissolution	26
	By-Laws – A. Time of Meeting B. Order of Business C. Standing Orders D. Penalty for Breaches E. Notice of Motion F. Publicity of Business G. Elections Other Than to Council or Executive	27
APPENDIX A	Conduct of Elections	28

TITLE

1. The name of the Union shall be "The Queensland Public Sector Union of Employees".

REGISTERED OFFICE

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

DEFINITION

In these Rules the term 'the Federal Organisation' means The State Public Services Group of the Community and Public Sector Union.

PLACE OF MEETING

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

OBJECTS

4. 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 cooperate with kindred organisations, associations, unions or bodies having similar objects and/or similar interests.
- (d) To establish and maintain an official publication to further the interests of the Union and to furnish advice to members.
- (e) To establish and maintain a staff benefit or superannuation scheme or schemes.
- (f) To promote or assist in social gatherings of members.
- (g) To initiate and operate a scheme for the payment of mortality benefit for general and staff members.
- (h) To promote and foster cooperative movements for the benefit of members of the Union.
- (i) To ensure that the funds of the Union shall be used for the foregoing purposes and for the payment of expenses of management.
- (j) To enter into an agreement with the Federal Organisation pursuant to Section 202 of the Industrial Relations Act 1988 or any statutory provision amending, replacing or supplementing that provision.
- (k) To apply for membership of the Federal Organisation for and on behalf of any member who is eligible to belong to that Organisation.

5. RESERVED

ELIGIBILITY FOR MEMBERSHIP

6. A. Without in any way limiting or being limited by sub-rule B, 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, 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.

ADMISSION OF MEMBERS

7. (i) A person who:-
 (a) has made application for membership to the Union; and
 (b) is not of general bad character
 is entitled to be admitted to membership of the Union and to remain a member thereof and enjoy all the advantages of membership for as long as the person complies with these Rules.
- (ii) Any person claiming to be eligible for membership of the Union may apply for admission to membership. Such applications may be made in writing in a form as approved by the General Secretary or by way of online or other electronic process as approved by the General Secretary.
- Any applicant not approved by the General Secretary shall have the right of appeal to the Executive.
- Any applicant not approved by the Executive shall have the right of appeal to Council.
- (iii) An applicant for membership shall become a member as at the date of approval of the General Secretary of the applicant's admission or as at the date of appeal under this Rule being upheld by Executive or Council.

LEGAL AND INDUSTRIAL ASSISTANCE

8. (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 (a) shall be made in writing addressed to the General Secretary, if that officer so requires.
- (c) The Executive shall consider each request received under Sub-Rule (b) and shall determine whether such assistance should be granted in the manner sought or in any other manner determined to be appropriate or should be refused. Provided that subject to Sub-Rule (d), no such assistance shall be given to any member unless the matter in respect of which the assistance is sought first arose, or first came to the attention of the member, at a time when the member was a financial member of the Union.
- (d) Notwithstanding (c) above, in the event that the Council (or as the case may be, the Executive) determines that the matter in respect of which assistance is sought affects the rights or interests of the Union as a whole and/or a substantial number of its existing financial members in addition to the applicant for assistance, assistance may be granted to a financial member in respect of a matter which would be otherwise prohibited by sub-rule (c).
- (e) Any decision by the Executive in urgent cases under (c) shall be reviewed by Council at the earliest possible occasion, and Council may vary, confirm, or quash any such decision at its absolute discretion.
- (f) The onus of proof as to the date upon which the matter first arose, or first came to the attention of the person seeking assistance, in accordance with (c) above, shall lie with the person seeking assistance. The decision of Council in respect of such matter shall be final and no appeal shall lie by any financial member in respect of such decision.

- (g) Notwithstanding any decision made by the Council or the Executive under (c) or (d) or (e) by which industrial assistance is being provided to a financial member of the Union by an employee of the Union; and in any other case where industrial assistance is being provided to a financial member of the Union by an employee of the Union, the General Secretary may withdraw services to the member:
 - (i) where an employee feels threatened by the member or anyone associated with the member; or
 - (ii) where the member or anyone associated with the member acts towards the employee in a way that is abusive, unreasonable or in any way inappropriate.
- (h) Where an employee withdraws their services to the member under (g), the member may seek a review of the decision with the General Secretary. If the General Secretary, upon review, does not restore the industrial assistance provided by the Union, the member may appeal to the Executive.

MORTALITY BENEFIT

- 9. (i) On the death of a member, a mortality benefit shall be paid to the member's nominee and in the absence of a nominee, to the member's executor, administrator, spouse, or next of kin (as may be appropriate). The nominee shall be the person nominated by the deceased member during the member's lifetime by lodging with the General Secretary of the Union a nomination in such form as the Council may prescribe.
 - (ii) The amount of mortality benefit payable on the death of any member shall be determined every five (5) years by the Council of the Union. The payment shall be the same amount in the case of each member dying during each quinquennial; PROVIDED THAT the amount set aside by the Union to the credit of the Mortality Fund shall not be exceeded.
- PROVIDED FURTHER THAT no benefit shall arise from the death of any member aged sixty-five (65) or over.
- (iii) Payment of the mortality benefit shall be made by the General Secretary on the application of the person nominated or if there be no person nominated, by the person otherwise entitled thereto; PROVIDED THAT in any case of doubt or dispute, the General Secretary shall refer the matter to the Council, and Council's decision thereon shall be final.
 - (iv) The General Secretary shall not pay a mortality benefit on an application made more than twelve (12) months after the date of the death of the member.
 - (v) No payment shall be made where a deceased member was not financial at the date of death or at any time in the preceding three (3) months.

RESIGNATION OF MEMBERSHIP

- 10. (i) Any person wishing to resign from the Union shall give notice in writing to the General Secretary to that effect.
- (ii) Where a person in such notice specifies a date or indicates a time at which the member's resignation so notified is to be effective, being a date or time subsequent to the member's duly giving the notification, the member's membership shall be taken to be terminated on the indicated date or time.
- (iii) A person so resigning shall remain liable to pay any subscription or levy that first became payable before termination of the member's membership but shall not be liable to pay any subscription or levy which first becomes payable after termination of the member's membership.
- (iv) Any person who ceases to be employed or engaged by an employer set forth in Rule 6 hereof or any other employer (including this Union) in any position set forth in Rule 6 hereof for a period of three (3) months may be required by the Council to resign from membership in accordance with sub-rules (i) and (ii) hereof.

- (v) Any person required to resign in accordance with sub-rule (iv) hereof is not entitled to specify a date or indicate a time of resignation in accordance with sub-rule (ii) hereof.

CANCELLATION OF MEMBERSHIP

11. (i) 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.

(ii) The Council shall not exercise the powers vested in (i) hereof otherwise than in strict conformity with subparagraph (iii) hereof.

(iii) 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 General Secretary and every such Notice of Motion shall:-

(a) Specify the name of the member the subject thereof; and

(b) 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; and

forthwith, upon receipt of such Notice of Motion, the General 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.

(iv) 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.

(v) It shall be misconduct within the meaning of this Rule:-

- (a) to lay knowingly a false charge against any other member;
- (b) to refuse or fail to obey any Rule of the Union;
- (c) to refuse or fail to observe any policy adopted by the Union;
- (d) to contravene or fail to observe an award or industrial agreement;
- (e) to behave in a disorderly manner at any meeting conducted pursuant to these Rules;
- (f) to obstruct any officer of the Union in the performance of his or her duties;
- (g) to divulge confidential Union business to anyone not entitled to know;
- (h) to misappropriate the funds of the Union.

- (vi) 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.

DATE OF TERMINATION OF MEMBERSHIP OTHERWISE THAN BY RESIGNATION

11A. A person's membership of the Union shall be terminated upon the date of occurrence of any of the following events -

- (a) Cessation of eligibility for membership pursuant to Rule 6 of these Rules;
- (b) Cancellation of membership pursuant to Rule 11(i) of these Rules.
- (c) Failure by a member to comply with a requirement to resign from the Union pursuant to Rule 10 (v) hereof.

POWERS AND FUNCTIONS OF COUNCIL

- 12. (i) The affairs of the union shall be managed by a Council of the Union.
- (ii) 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 Conference or Ordinary 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. That is to say:-

- (a) 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.
- (b) to purchase, hire or otherwise acquire any books, newspapers, documents or other property necessary for the purposes of the Union.
- (c) to investigate complaints by members of the Union and take such action as may be deemed necessary in regard thereto.
- (d) 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.
- (e) 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.
- (f) to appoint such Committees as may be deemed necessary.
- (g) to establish and maintain a staff benefit or superannuation scheme or schemes and to determine conditions thereof.
- (h) 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.

A report from the Council, stating fully the proceedings of the Council for the preceding financial year, shall be presented at each Annual Meeting of the Union.

- (iii) Council is empowered to enter into an agreement with the Federal Organisation pursuant to Section 202 of the Industrial Relations Act 1988 or any statutory provision amending, replacing or supplementing that provision.
- (iv) The Council shall, at its first meeting of the term, determine an allowance or honorarium to be paid to each of the Senior Executive Officers and each of the nine (9) Other Members of the Executive elected by Council. Any such allowance or honorarium shall be paid by equal quarterly instalments during the first week of each quarter.

PROVIDED THAT allowances determined in respect of the General Secretary and the Assistant General Secretary shall be determined separately and distinctly from those determined for Senior Executive Officers and shall be deemed to be a part of the salary package of the General Secretary and the Assistant General Secretary.

Powers and Functions of Executive

- (v) 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 General Secretary shall cause a report to be furnished to the Council upon all decisions made and actions taken by the Executive.
- (vi) The Union may employ such staff as determined by Executive. The Union shall treat its employees fairly and provide a safe place and system of work for its employees.
- (vii) The Executive shall:
 - (a) have the power to appoint and at its discretion dismiss or suspend employees of the Union;
 - (b) determine the wages and conditions of employment of the employees appointed subject to any industrial awards or collective bargaining agreements;
 - (c) develop appropriate staffing policies and practices for the fair and equitable treatment of the Union's employees; and
 - (d) develop policies and procedures for investigations of employee performance which are based on the principles of natural justice.
 - (e) provide an appropriate dispute resolution process for staff including access to agreed external conciliation processes.
- (viii) The General Secretary shall be responsible for:
 - (a) the management of the Union's offices; and
 - (b) the administration and application of the Union's policies and procedures in relation to the Union's employees.

DELEGATE RIGHTS

13. Council delegates for each sub-division, as defined by the Union Council under Rule 14, shall :

- (i) Determine Union policy on any matter specific to Union members employed in their sub-division, which does not affect members employed in any other sub-division.
- (ii) Determine the Union's response to any matters raised by their employer, which does not affect members employed in any other sub-division.
- (iii) Determine policy and strategy in collective bargaining campaigns and ensure:
 - (a) Affected members determine the issues to be included in any claim as part of a collective bargaining campaign.

- (b) That appropriate delegate structures are established for affected members. The delegate structures shall have the power to determine the strategy and Union policy for collective bargaining campaigns except where determined by the direct decision of the whole of the affected membership;
- (c) That all affected members shall decide on any collective industrial action to be taken during a collective bargaining campaign;
- (d) That all affected members shall determine the Union policy on whether to approve or reject collective agreements to which the Union may be a party following collective bargaining campaigns.
- (iv) Determine levies for members of the Union, in addition to the standard membership subscriptions, for Union members employed in their sub-division.
- (v) Establish QPSU agency committees and/or common interest groups for some or all members within their sub-division, and approve constitutions of such agency committees or common interest groups.
- (vi) Determine when and where elections shall be held for workplace representatives within their employer/s.

All decisions made by Council delegates for a sub-division shall be recorded in writing and a register of all such decisions shall be kept by the General Secretary.

COMPOSITION OF COUNCIL

14. (i) The Council of the Union shall be comprised of :

- (a) the Union Executive;
- (b) delegates representing members employed in agencies or employing authorities determined by the Union under Rule 14(iii)(a) of the Rules;
- (c) delegates representing members employed in Regional Organising Committees eligible under Rule 14(iii)(b) of the Rules;
- (d) delegates representing members who have identified to the Union Office as being of Aboriginal or Torres Strait Islander origin.

(Members of Council shall be referred to as "Council delegates" hereinafter.)

- (ii) Elections for the delegates to Council shall be held biennially, with the exception of the General Secretary and Assistant General Secretary, which positions shall be elected quadriennially.
- (iii) The Council of the Union shall, at a meeting of Council held in the second year of each term, determine:
 - (a) The allocation of employers to sub-divisions for representation on Union Council in the year commencing on the first day of January next following.

Each sub-division shall be entitled to elect a Council delegate or Council delegates on the following basis:-

- Up to to 100 financial members as at 1 July in the second year of each term - 1 Delegate
- For each additional 100 financial members as at 1 July in the second year of each term or part thereof - 1 Delegate
- Every employer employing financial union members shall be allocated to a sub-division.
- All financial members, other than continuing members under Rule 6B(b) and honorary members under Rule 6B(c) shall be allocated to a sub-division.
- Staff members, as provided for in Rule 6B(e) shall comprise a Staff Sub-division.

- (b) Regional Organising Committees, previously established under Rule 18, which are eligible for Council representation as defined by Rule 18.
- (c) The number of delegates representing members who have identified to the Union Office as being of Aboriginal or Torres Strait Islander origin on the following basis:
 - o Up to to 100 financial members as at 1 July in the second year of each term - 1 Delegate
 - o For each additional 100 financial members as at 1 July in the second year of each term or part thereof - 1 Delegate

COMPOSITION OF EXECUTIVE

15. Executive shall consist of the Senior Executive Offices (President, Senior Vice-President, three (3) Junior Vice-Presidents, General Secretary, Assistant General Secretary, Honorary Treasurer, Assistant Honorary Treasurer) and nine (9) Other Members.

QPSU AGENCY COMMITTEES

- 16. (i) Council delegates for each sub-division, as defined by the Union Council under Rule 14 , may authorise:
 - (a) the formation of a QPSU Agency Committee to represent members employed in any single employer, and
 - (b) approve the constitution of such a committee.
- (ii) If an agency committee is formed it shall exercise the powers of Council delegates for a sub-division in Rule 13 for members within that employer.

COMMON INTEREST GROUPS

- 17. (i) Council delegates for each sub-division, as defined by the Union Council under Rule 14 , may authorise the formation of Common Interest Groups by members of the Union whose duties are closely similar or identical, PROVIDED THAT such groups consist of no fewer than twenty (20) financial members and approve the constitution of such a committee.
- (ii) If a Common Interest Group is formed it shall exercise the powers of Council delegates for a sub-division in Rule 14 for members of that Common Interest Group.

REGIONAL ORGANISING COMMITTEES

- 18. (i) Council may approve, the members of the Union resident in any region or group of regions outside the area determined by the Council to be the metropolitan area, forming a Regional Organising Committee; PROVIDED THAT the Council shall not approve the formation of any Regional Organising Committee with fewer than twelve (12) members, and any Regional Organising Committee whose membership falls below twelve (12) members shall lapse.
- (ii) The Council may make rules for the conduct of the affairs of a Regional Organising Committee either generally or in any particular case or cases and shall require that the Regional Organising Committee meet not less frequently than quarterly and with at least seven (7) financial members of the Union employed in the region or group of regions attending, and providing that such rules shall require the biennial election of Regional Organising Committee Officers by and from the members of the Regional Organising Committee and the furnishing of Minutes of the Meetings to the General Secretary, in order that Council may consider and if it deems expedient deal with any matter. Regional Organising Committee Offices shall consist of a President, Vice President and an Honorary Secretary/Treasurer elected in accordance with the election rules.
- (iii) The Council may appropriate funds for the use of Regional Organising Committees either generally or in any particular case or cases, and shall once in each financial year, consider whether an annual grant should be made to Regional Organising Committees either generally or in any particular case.

- (iv) Every Regional Organising Committee shall forward to the Council through the General Secretary as soon as practicable after the end of each calendar year, an audited statement of its receipts and payments.
- (v) The Regional Organising Committee Honorary Secretary/Treasurer shall communicate to the Council all the decisions and recommendations of the Regional Organising Committee; PROVIDED THAT such communication shall be via the General Secretary or a person nominated by the General Secretary.
- (vi) Without prejudice to (v), the Honorary Secretary of each Regional Organising Committee shall co-operate with the General Secretary or a person nominated by the General Secretary in ensuring that the Council and the Executive are fully informed about the activities of the Regional Organising Committee.
- (vii) No member of any Regional Organising Committee, including a Regional Organising Committee Officer, shall communicate with any Minister of the Crown, Department or sub-Department of the Government, Crown Corporation, Crown Instrumentality, or Minister representing the Crown or such other Employing Authority, Commission or Board or member thereof upon the business of the Union except with the approval of the Executive.
- (viii) No Regional Organising Committee Officer shall incur any expense or liability on behalf of the Union without the consent of the Council.
- (ix) 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 46.
- (x) The Regional Organising Committee's right to representation on Council is conditional upon the Regional Organising Committee holding meetings at least quarterly attended by at least seven (7) members and the Regional Organising Committee Secretary providing minutes of such Regional Organising Committee meetings to the General Secretary.

ANNUAL GENERAL MEETING

- 19. (i) An Annual General Meeting of members of the union shall be held in a month determined by the previous Annual General Meeting or failing that by Council.
- (ii) The Council shall determine the date and time and place of the Annual General Meeting.
- (iii) Failing determination of the date and time as prescribed at (ii), the President shall determine the date and time of the Annual General Meeting.
- (iv) Additionally, to the reports described at Rules 36 and 39 hereof, the Annual General Meeting shall consider every report made by the Auditor.

A report from the Council, stating fully the proceedings of the Council for the preceding financial year, shall be presented at each Annual Meeting of the Union.

- (v) No business shall be transacted at any Annual General Meeting attended by fewer than 40 financial members of the Union.

PROVIDED THAT if a quorum is not present at the expiration of 15 minutes from the time appointed for the commencement of the meeting, those financial members present may adjourn the meeting until such other date, time and place as they think desirable, and those financial members present at any such adjourned meeting shall constitute a quorum, notwithstanding that fewer than 40 financial members of the Union be present.

- (vi) No fewer than forty-two (42) days notice of any Annual General Meeting of members of the Union shall be given by way of advertisement in one or more daily newspapers; PROVIDED THAT the Council may direct that notice be given by an additional means, and that the General Secretary may give notice by such further additional means as to the General Secretary seems practical and desirable.

- (vii) Any notice of the Annual General Meeting of members of the Union shall state the purpose for which such meeting is to be held.
- (viii) Every financial member present at an Annual 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.
- (ix) Decisions of the Annual General Meeting of members shall be made by way of a majority vote of financial members present.
- (x) The General Secretary shall include in the business to be transacted at the Annual General Meeting, any motion of which written notice over the signature of five (5) financial members of the Union is given at least 28 days prior to the Annual General Meeting.
- (xi) 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.

GENERAL MEETINGS

- 20. (i) Council shall, once in each year, fix the date of Ordinary General Meetings of members of the Union to be held in that year.
- (ii) Council may convene a Special General Meeting of ordinary members at any time.
- (iii) The Executive may convene a Special General Meeting of members of the Union at any time.
- (iv) Upon delivery to the General Secretary of a written demand for a Special General Meeting of members of the Union, over the signature of 100 financial members of the Union, a Special General Meeting of members of the Union shall be called within seven (7) days.
- (v) Ordinary and Special General Meetings of the members of the Union shall be held at such times and places as the Council shall determine, either generally, or in any particular case.
- (vi) Failing such determination of the time of meetings, either generally, or in any particular case, the President shall fix the time of any Ordinary or Special General Meeting for which a time has not been fixed.
- (vii) The administrative function of publishing notices relating to any Ordinary or Special Meeting of members and arranging a venue therefore shall be discharged by the General Secretary.
- (viii) 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 Council may direct that notice be given by an additional means, and that the General Secretary may give notice by such further additional means as to the General Secretary seems practical and desirable.
- (ix) 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.
- (x) 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.
- (xi) The quorum for an Ordinary General Meeting is 40 financial members present.
- (xii) 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.

- (xiii) Decisions of Special and Ordinary General Meetings of members shall be made by way of a majority vote of financial members present.
- (xiv) Notwithstanding anything contained in this Rule 20, 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 months of the date of demand for same; save where the holding of the meeting is approved by either the Council or the Executive.
- (xv) 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.

MEMBERSHIP BALLOT

- 21. Upon written demand signed by no fewer than one-tenth of the whole of the financial members of the Union delivered to the General Secretary, the General 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.

WORKPLACE REPRESENTATIVES

- 22. (i) The General Secretary shall co-ordinate the biennial election of Workplace Representatives by and from the financial union membership in workplaces at which union members are employed.
- (ii) Members can request that the Returning Officer appointed under Rule 40 of these rules supervise the election of Workplace Representatives.
- (iii) The role of the Workplace Representatives is to promote the objects of the union, as contained within the Constitution and Rules.

UNION MEETINGS

- 23. (i) For the purposes of this rule, Union structures shall include the Union Council, Council Committees, Union Executive, Meetings of Council delegates representing a sub-division, Agency Committees, Regional Organising Committees and Common Interest Groups.
- (ii) The President shall be the chair of the Union Council and the Union Executive, and 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.
- (iii) Each Union structure where the President is not the chair, or has decided not to be the chair, shall elect a chair.
- (iv) Each year every Union structure shall determine the time (and may determine the place) at which they shall meet. Should the structure fail to determine the time at which it shall meet, either generally or in any particular case, the chair shall determine the time at which the structure shall meet.
- (v) A special meeting of a Union structure shall be convened on demand to the General Secretary, in writing, and over the signature of no fewer than half the members of the Union structure. The General Secretary, upon receipt of the demand, shall notify the members of the Union structure within seven (7) days of the meeting as required by the demand, being a date fixed by the demand or, failing such fixation, fixed by the chair.

- (vi) The General Secretary shall, so far as is practicable, give every member of a Union structure seven (7) days notice of every ordinary or special meeting of the Union structure, the time and place thereof and the business to be discussed thereat.
- (vii) No business shall be transacted at any ordinary or special meeting of Union structures attended by fewer than half of the members of the Union structure, other than:
 - (a) Union Council where no business shall be transacted at any ordinary or special meeting of Union Council attended by fewer than one third of the members of the Union Council.
 - (b) Regional Organising Committees, where no business shall be transacted at any meeting attended by fewer than seven (7) of the members of the Regional Organising Committee.

POSTAL BALLOT OF COUNCIL

- 24. (i) Notwithstanding Rules 23 and 47, 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.
- (ii) A postal ballot shall be held whenever so decided by the Council or the Executive.
- (iii) 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:-
 - (a) if the question requires the exercise of the Council's powers pursuant to Rule 47, not less than 28 days which may run concurrently with the notice required under Rule 47; and
 - (b) in all other cases, not less than 14 days.
- (iv) 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.
- (v) 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:
 - (a) in the case of a postal ballot conducted in respect of the exercise of the Council's powers pursuant to Rule 47, no less than 75% of the total votes exercisable by Delegates have been exercised thereon; and
 - (b) in any other case, no less than a simple majority of the total votes exercisable by Delegates have been exercised thereon.
- (vi) 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.
- (vii) 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.

MEETINGS OTHER THAN COUNCIL

25. For elected union structures covered by this rule, other than Council, 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.

NOMINATIONS

26. (i) The Returning Officer shall, by notice in the Union's Journal in the final year of each term, call nominations for the Senior Executive Offices and Council delegates. The notice must notify members how to nominate. The closing date will be no later than the 10th of December in the final year of the term. The nominations must be open for at least twenty eight (28) days.
- (ii) Following the conclusion of the biennial general election, the Returning Officer shall call nominations for the nine (9) Other Members of Executive, the closing date for which shall be no later than forty (40) days after the close of the ballot for delegates to Council.
- (iii) Only financial members of the Union may be nominated for the positions of Council delegate, Other Member of Executive or Senior Executive Office.
- (iv) Only persons holding office as a Council delegate, as defined by Rule 14(i)(b), 14(i)(c) and 14(i)(d) may be nominated for the position of Other Member of the Executive.
- (v) Continuing Members, under Rule 6B(b) shall not be eligible to nominate for positions of Senior Executive Office, Other Member of Executive or Council delegate.
- (vi) Members who have not attained the age of 18 years shall not be eligible to nominate for positions of Senior Executive Office, Other Member of Executive or Council delegate.
- (vii) Every nomination for Senior Executive Office, Other Member of Executive and Council delegate must bear evidence of the nominee's willingness to accept office.
- (viii) Every nomination for Senior Executive Office shall be signed by at least twenty (20) financial members of the union. Every nomination for other positions of Council delegate shall be signed by at least five (5) members of the relevant sub-division or Regional Organising Committee.
- (ix) Every nomination for Other Member of the Executive must be signed by at least five (5) Council delegates.
- (x) A member shall not accept nomination for more than one (1) office of Council delegate, except when accepting nomination to a position of Senior Executive Office and another office of Council delegate. No member shall accept nomination for 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.
- (xi) A member must be employed in the relevant sub-division employer as determined under Rule 14(iii)(a) or relevant Regional Organising Committee region as determined under Rule 14 (iii)(b), to be eligible to be nominated to represent them as a Council delegate.
- (xii) Should the Returning Officer in conducting an election pursuant to this rule find a nomination to be defective, the Returning Officer shall, before rejecting the nomination, notify the nominee of the defect and, where practicable, give the nominee the opportunity of remedying the defect within a period of seven (7) days subsequent to the date whereupon the nominee is notified of such defect.

PROVIDED THAT in any instance wherein the date of notification by the Returning Officer to the nominee falls within seven (7) days of the date of closure of nominations, the defective nomination shall be rejected by the Returning Officer, unless the defect is remedied by the date for closure of nominations.

(xiii) The Returning Officer must declare a candidate elected to an office if:

- (a) nominations have closed; and
- (b) the candidate does not hold another office; and
- (c) the candidate has – (i) not nominated for a higher office ; or (ii) nominated for a higher office and is not elected to the higher office; and
- (d) if the election is for president or secretary – the candidate is the only candidate; or
- (e) if the election is for another type of office – the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

ELECTIONS

27. (i) Should more nominations be received at date and time of closing of nominations than there are positions for any Senior Executive Office, Council delegate or Other Member of the Executive, the Returning Officer shall forthwith conduct among eligible financial members a secret postal ballot for each office.
- (ii) The election for positions of Senior Executive Office and Council delegate shall be conducted in the month of February. The ballot shall close at midday on a date being not later than ninety (90) working days after the close of nominations.
- (iii) The election for the positions of Other Member of the Executive shall be conducted in the month of April. The ballot shall close at midday on a date being not later than the last day of April. The Returning Officer shall declare the poll prior to the next Meeting of Council.
- (iv) For elections for positions of Senior Executive Office, eligible members shall be all financial members of the Union.
- (v) For elections for positions of Council delegate, eligible members shall be all financial members of the relevant sub-division or Regional Organising Committee.
- (vi) For elections for positions of Other Member of Executive, eligible members shall be all financial members of the Union Council.
- (vii) Elections conducted pursuant to this Rule shall, where only one office is to be elected, be conducted by way of optional standard preferential voting.

All other elections shall be conducted by way of optional multiple preferential voting, excluding elections for Council delegate which shall be by way of optional preferential proportional voting.

Appendix A of these Rules shall determine the process for conducting elections

- (viii) Subject to the Rules relating to removal from office, any officer elected in accordance with these Rules shall hold office until the declaration of the election for such office at the next succeeding election held in accordance with these Rules.
- (ix) The Returning Officer shall, in the presence of such scrutineers as may be nominated by the candidates for election, and who choose to attend, count the votes and declare the poll prior to the next Meeting of Council.
- (x) Where it is necessary under this rule to conduct a ballot for any position, the Returning Officer may appoint one (1) or more Assistant Returning Officers.

REMOVAL FROM OFFICE

28. (i) The Council may remove from office any officer of the Union if:-
- (a) such officer ceases to be eligible to hold the office; or
 - (b) such officer has been found guilty of:
 - (A) misappropriation of the Union's property;
 - (B) a substantial contravention of these Rules; or
 - (C) gross misbehaviour or gross neglect of duty in the office.
- (ii) The Council shall not exercise the powers vested in (i) hereof otherwise than in strict conformity with the remainder of this Rule.
- (iii) A Notice of Motion setting forth the terms of the resolution for removal from the office of the officer of the Union shall be made in writing over the signature of the proposer and the seconder and shall be given to the General Secretary or the President and every such Notice of Motion shall:
- (a) specify the name of the member and the office held by the member;
 - (b) have annexed thereto a statement, as brief as the nature of the case will allow, of the material facts on which the proposer and seconder rely to support the resolution for removal of the officer from the office; and
 - (c) forthwith, upon receipt of such Notice of Motion, the General Secretary or the President, as the case may be, shall cause a copy thereof and any annexures thereto to be delivered to the officer the subject to the Notice of Motion by delivering it to the officer personally or by leaving it for the officer at the officer's last known place of abode with some other person apparently of or over the age of 18 years or by posting it to the officer at the address which is the officer's last known place of abode.
 - (d) the Council should not consider any such Notice of Motion save at a meeting of which the member has been given 21 days notice in writing delivered to the officer as described in sub-rule (iii) (c) above, being a notice which states that the removal of the officer from the office held by the member is to be an item of business at the meeting.
- (iv) The officer shall have the right to appear in person at any such meeting of the Council, or if the officer so desires to be represented by any person at any such meeting and for the officer or the officer's representative to address the Council in relation to the matters the subject of the Notice of Motion; and the officer may, at the officer's option, make submissions in writing to the meeting of the Council.
- (v) On any hearing of an allegation of a substantial contravention of these Rules or gross misbehaviour or gross neglect of duty in the office, it shall be a defence to prove that the substantial contraventions of the Rules or gross misbehaviour or gross neglect of duty of the office occurred notwithstanding that the officer charged took all reasonable precautions and used all due diligence to avoid the officer's conduct.
- (vi) No further material or evidence, other than that attached to the Notice of Motion shall be placed before the Council other than in respect of any material that the officer wishes to put before the Council.
- (vii) After the officer or the officer's representative have addressed the Council or have made submissions in writing to the Council, a debate shall ensue amongst Council delegates in accordance with the By-laws of the Council.
- (viii) At the conclusion of the debate, the Council may, by two thirds vote of delegates present at the Council meeting, remove the officer from the office on the basis that the officer ceases to be eligible to hold the office or the officer has been found guilty of misappropriation of the Union's property, a substantial contravention of these Rules or gross misbehaviour or gross neglect in the duty of office.

CASUAL VACANCIES

29. (i) That if any positions of Delegates to Council have not been filled or casual vacancy arises, the vacancy shall be filled on an annual basis in accordance with these Rules and the nominations are to close in December, and the election, if required, to be held in February of the second year of the term.
- (ii) In the event of a vacancy occurring in any Senior Executive Office or Executive position, the Returning Officer shall cause an election to be held for the filling of such vacancy PROVIDED THAT for Senior Executive Officers or other Executive Members where the unexpired period of office is twelve (12) months or less in the case of an office elected two (2) yearly or three (3) years or less in the case of an office elected four (4) yearly, the Council may:-
- (a) determine that the election be not held; and
- (b) appoint a person able to fill the vacancy.
- (iii) The Senior Executive Officers and the nine (9) Other Members of the Executive shall be financial members. If they cease to be financial members they shall cease to hold office subject to Rule 28.
- (iv) 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.

APPLICATION OF FUNDS

30. Disbursement in pursuit of the furtherance of any of the objects of Rule 4 other than (f) shall be deemed to be part of the ordinary expenditure of the Union.

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 or any of its Branches unless Council of the Union is satisfied -

- (a) That the making of the loan, grant or donation is in accordance with these Rules; and
- (b) 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.

SUBSCRIPTIONS

31. (i) Council shall determine the quantum of membership subscriptions.

PROVIDED THAT in every instance where a variation of the quantum of membership subscriptions is proposed, no such variation shall be effected unless the following steps have been taken:-

- (a) One (1) calendar month's written notice of the proposed variation shall be given to all Council Delegates; and
- (b) The variations have been approved by a meeting of Council.
- (ii) The subscriptions shall be determined by Council.

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

- (iii) 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 Council pursuant to Rule 31(i) and (ii) shall be applied to the subscription of a member when payment of a subscription is effected under any of the following conditions:-
- (a) The whole of the year's subscription together with arrears of subscription if any is paid before the end of March; or

- (b) The whole of the year's subscription is paid in full by an applicant for membership of the Union before the end of March.

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.

- (iv) 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 1999 and the General Secretary shall take all necessary action for the purposes of such recovery.
- (v) Subscriptions may be paid or forwarded to the General 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.
- (vi) The term 'financial institution' means a bank, building society, credit union or credit society.
- (vii) 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 subscription by instalments or in the alternative may waive, wholly or partially, payment of the outstanding subscription.

PROVIDED THAT no such approval or waiver shall render a member unfinancial in terms of these rules.

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

LEVIES

32. (i) 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.
- (ii) The determination of any levies shall require:-
- (a) one (1) calendar month's notice to Council Delegates of the proposed levy; and
- (b) a ballot of Council Delegates present at a Council Meeting; and
- (iii) 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 1999 and the General Secretary shall take all necessary action for the purposes of such recovery.

EXECUTION OF CHEQUES

33. (i) 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 General Secretary or the General Secretary's delegate.
- (ii) 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 General Secretary or the General Secretary's delegate.
- (iii) Provided that any cheque or other negotiable instruments shall be also signed by at least one of the following persons:-
- (a) The President;
- (b) The Senior Vice-President;

- (c) The Treasurer;
- (d) The Assistant Honorary Treasurer.

AUDIT

34. (i) The Annual General Meeting shall appoint an Auditor who shall be qualified as prescribed by the Industrial Relations Act 1999.
- (ii) The Auditor shall conduct an audit of the accounts of the Union and report to members as soon as is practicable after the end of each financial year 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.

INSPECTION OF BOOKS

35. (i) The register of the names and addresses of members of the Union and all books kept by the General Secretary and/or the Honorary Treasurer, shall be available for inspection by any financial member of the Union; PROVIDED THAT such inspections shall be granted on application to the President only and PROVIDED FURTHER, that such inspections shall not be had unless the General Secretary has received 48 hours' notice of the application granted by the President.
- (ii) On each occasion on which a member avails of the right to inspect the register and books described at (i) hereof, a Member of the Executive of the Union shall be present, together with the General Secretary or a nominee of the General Secretary.
- (iii) No financial member who undertakes an inspection of the records or books described at (i) hereof shall make or take a copy of any of the writings so inspected, and shall not be entitled to receive and shall not receive a copy of same.
- (iv) Notwithstanding (i) hereof, no member of the Union shall be entitled to inspect any personal file maintained and kept by the Union in respect of any employee of the Union or any member of the Union's Staff.
- (v) Notwithstanding (i) hereof, in any case in which the President considers an application pursuant to (i) hereof to be frivolous or vexatious, the President shall refer same to the Council for determination and notify the applicant accordingly.
- (vi) The applicant shall be entitled to make written submission to Council prior to a determination by Council pursuant to (v) hereof.
- (vii) The President and the General Secretary shall report upon every application pursuant to (i) to the Meeting of Council which immediately follows receipt of the application.

DUTIES OF OFFICERS

DUTIES OF THE PRESIDENT

36. The President:-

- (i) shall be recognised as the official head of the Union; and
- (ii) shall subject to the provisions of Rule 37 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; and
- (iii) shall, upon confirmation of the minutes at any meeting chaired by the President, sign the Minute Book in the presence of the meeting; and

- (iv) 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; and
- (v) 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 General Secretary; and
- (vi) 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; and
- (vii) 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 months.

DUTIES OF VICE-PRESIDENTS

- 37. (i) 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.
- (ii) Without prejudice to the generality of (i) hereof, 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. And, 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 GENERAL SECRETARY

- 38. (i) The Office of General Secretary of the Union shall be a Senior Executive Office, and the General 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 General Secretary.
- (ii) The terms of the General Secretary's employment shall be in writing and executed by the General Secretary and the President of the Union.
- (iii) Subject to the direction of Council, the General Secretary shall discharge the following functions and duties on behalf of the Union:-
 - (a) 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; and
 - (b) 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; and
 - (c) subject to Rule 33 hereof, 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; and
 - (d) subject to this Constitution and Rules, have the charge and custody of all moneys belonging to the Union; and

- (e) 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 31st December in each year; and
- (f) 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 General Secretary or under the General Secretary's control; and
- (g) 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; and
- (h) 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 General Secretary was required to attend; and
- (i) 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; and
- (j) subject to Rule 46, at the request of the 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 General Secretary shall observe the requirements of the Council, the Executive or the meeting of members as the case may be; and
- (k) act as editor and business manager of the Union Journal and any other official publication of the Union; and
- (l) 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; and
- (m) 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; and
- (n) 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 General Secretary, pursuant to this paragraph, 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-paragraph, either generally, or in any particular case additionally to, or in substitution for the General Secretary;
- (o) ensure that the decisions of Council and Executive are implemented.
- (p) to apply for membership of the Federal Organisation for and on behalf of any member who is eligible to belong to that Organisation provided that on each occasion the General 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 General Secretary otherwise.
- (q) notify the Industrial Commission in the prescribed manner of the existence or likelihood of industrial disputes.
- (r) advise in writing applicants for membership of the Union of -
 - (a) The financial obligations arising from membership and;
 - (b) The circumstances and the manner in which a member may resign from the Union.
- (s) such other duties as are nominated in the terms of employment as mutually agreed by the Council and the General Secretary.
- (iv) The General 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 General Secretary and the Executive.

DUTIES OF ASSISTANT GENERAL SECRETARY

- 38A (i) The office of Assistant General Secretary of the Union shall be a Senior Executive Office and the Assistant General Secretary 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 office of Assistant General Secretary.
- (ii) The terms of the Assistant General Secretary's employment shall be in writing and executed by the Assistant General Secretary and the President of the Union.
 - (iii) Subject to the direction of Council and the General Secretary, the Assistant General Secretary shall assist the General Secretary in the performance of all of the duties of the General Secretary and perform all such duties in the absence of the General Secretary or whenever the General Secretary requests that the Assistant General Secretary perform the duties of the General Secretary or such of those duties as may be specified in such request.

DUTIES OF THE HONORARY TREASURER

39. The Honorary Treasurer:-

- (i) 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; and
- (ii) shall furnish to the Annual General Meeting of members a yearly statement of receipts and payments, with the statement showing assets and liabilities; and
- (iii) shall co-operate with the General Secretary in presenting an annual budget to the Meeting of Council.
- (iv) shall, as directed by the Council, control all real property of the Union and invest the funds of the Union;
- (v) 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 General Secretary and persons authorised by them to inspect at any time during ordinary office hours any such Register or account or records.

- (vi) 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.

Notwithstanding any power that the Honorary Treasurer has in rule 39, and subject to rules 33 and 36, 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 General Secretary of Union.

RETURNING OFFICER

- 40. (i) 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 Act, the Returning Officer or manager of the election shall be the Queensland Electoral Commission unless otherwise determined by Council.
- (ii) 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.
- (iii) A person who is not a member of the Union may be appointed as Returning Officer.
- (iv) 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.
- (v) The Returning Officer may resign from office by notice in writing to the General Secretary and shall be deemed to vacate office, having ceased to be eligible to be appointed as Returning Officer as prescribed at (ii) hereof and, in all such cases, the Council shall forthwith appoint another Returning Officer for the remainder of the term prescribed at (i) hereof.
- (vi) The Returning Officer shall not vote in any election or ballot.

41. RESERVED

DUTIES OF COUNCIL DELEGATES

42. Every Council Delegate shall:-

- (i) encourage persons eligible to join the Union to make application for membership; and
- (ii) take up and pursue through the Union, enquiries and matters raised by members; and
- (iii) promote interest in the Union and its affairs by its members, particularly those within the Delegate's division or sub-division; and
- (iv) promote the interests of the Union to the public and promote public interest in the Union; and
- (v) attend Council Meetings and report to members in the Delegate's division or sub-division (as the case may be) thereupon; and

- (vi) attend meetings of Welfare 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;

ROLE OF WORKPLACE REPRESENTATIVES

- 43. (i) The role of Workplace Representatives shall be identical to that of Council Delegates in Rule 42, except for sub-clause (v) and (vi).
- (ii) The Workplace Representatives may determine to form Workplace Organising Committees.
- (iii) The role of the Workplace Organising Committees is to co-ordinate the activities of Workplace Representatives in organising Union members in a workplace.

44 *RESERVED*

45 *RESERVED*

INTERPRETATION OF RULES

- 46. (i) 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.
- (ii) Council shall determine if any matter considered by Delegates representing a sub-division of Council, an Agency Committee, Common Interest Group or Regional Organising Committee affects Union members who are not members of the Agency Committee, Common Interest Group or Regional Organising Committee. If Council determines that the matter does affect other Union members, then Union Council shall determine the Union policy on the matter, and Council's determination shall prevail over any other decision.
- (iii) Union Executive shall make such determinations between meetings of the Union Council.
- (iv) By giving notice in writing any member of the Union Council shall have the right to raise with the Union Council, Executive or General Secretary a matter which they consider has effect beyond a single Agency Committee, 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 Union Council or Executive.

ALTERATIONS TO CONSTITUTION AND RULES

- 47. The Constitution and Rules shall not be altered in any particular, except by ballot of Council Delegates conducted at a Council Meeting of the Union and resulting in more than two-thirds of those present, and voting, casting a vote in favour of the alteration; PROVIDED THAT no proposed alteration shall be put to the 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

- 48. (i) 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.
- (ii) Any such ballot as described at (i) hereof, shall be conducted by the Returning Officer appointed pursuant to these rules.

- (iii) 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 Meeting of members called for the purpose of considering the dissolution and cancellation of registration of the Union.
- (iv) 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.
- (v) Nothing in this Rule 48 shall hinder or prevent dissolution of the Union for the purposes of amalgamation with another union.

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 28.

G. - ELECTIONS OTHER THAN TO COUNCIL OR EXECUTIVE

When there are more than two 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 26 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) (1) 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.
 (2) Subsection (1) applies despite anything in the rules of an organisation or branch.
- (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, 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 27, 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 "Queensland Public Sector Union" 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 as 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 decided by drawing lots to determine which candidate shall remain in the count.

(xxx)

METHOD OF ELECTING COUNCILLORS TO QPSU 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) 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 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 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.