

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

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TITLE

1 The name of the Union shall be Unite Queensland, Industrial 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.

DEFINITIONS

3 In these Rules, unless the context otherwise requires :

- (a) Words importing the male gender shall include the female gender and vice versa.
- (b) The singular number shall also include the plural number, and the plural number the singular number.
- (c) "Union" shall mean the Unite Queensland, Industrial Union of Employees.
- (d) The "Federal Organisation" shall mean the Australian Municipal, Administrative, Clerical and Services Union, an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 (Cth).
- (e) "Senior Executive Officer" shall mean the Secretary, Assistant Secretaries, President, Senior Vice-President, Junior Vice-Presidents, Treasurer and Assistant Treasurer.
- (f) "Council Delegate" shall mean a member of Council.
- (g) For the purposes of casting a ballot under Rule 30 "financial member" shall mean a member (excluding an Honorary Member or a Retirement Member) who is a financial member of the Union sixty (60) days before the opening time for nominations.

PLACE OF MEETING

- 4 Save where otherwise provided the place of holding Council Meetings and General or Annual General 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

- 5 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;
- (b) To establish and maintain an official publication to further the interests of the Union and to furnish advice to members;
- (d) To establish and maintain a staff benefit or superannuation scheme or schemes;
- (e) To promote or assist in social gatherings of members;
- (f) To initiate and operate a scheme for the payment of mortality benefit for general and staff members;
- (g) To promote and foster cooperative movements for the benefit of members of the Union;
- (h) To establish funds for the benefit of members, officers and employees or a particular class or group of members, officers and employees;
- (i) To invest funds;
- (j) To purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings, or easements for any purposes relating to the conduct of the Union;
- (k) To borrow or raise or secure the payment of money in such manner as the Union may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way and to redeem or pay off any such securities;
- (l) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union;
- (m) To undertake and do all such acts matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them;
- (n) To make donations to bona fide charitable purposes;

- (o) To create and promote equality of opportunity in employment and promotion within employment;
- (p) To act as agent for and on behalf of members or non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto;
- (q) To cooperate with kindred organisations, associations, unions or bodies having similar objects and/or similar interests;
- (r) To co-operate, affiliate, federate, amalgamate, merge with or absorb any Association, Organisation or Union of employees whether registered or not pursuant to the Industrial Relations Act 1999 or the industrial law of the Commonwealth or any State or Territory of Australia;
- (s) To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise any bona fide trade union organisation or association or representative body or peak council which promotes or protects the cause of labour;
- (t) To enter into agreements with the Federal Organisation pursuant to Sections 151 and 152 of the Fair Work (Registered Organisations) Act 2009 or any statutory provisions amending, replacing or supplementing those provisions;
- (u) To apply for membership of the Federal Organisation for and on behalf of any member who is eligible to belong to that Organisation; and
- (v) To ensure that the funds of the Union shall be used for the foregoing purposes and for the payment of expenses of management.

ELIGIBILITY FOR MEMBERSHIP

6A. Without in any way limiting or being limited by sub-rule B and sub-rule C, the following persons are eligible for membership of the Union -

Existing Eligibility for Q.S.S.U. – employees of the Queensland Government or (in relation to the Crown in right of the State) of any Crown Corporation, Crown Instrumentality, or Minister representing the Crown other than those employed in -

- (i) The Police Force.
- (ii) The Queensland Railways.
- (iii) The Teaching Service other than teachers employed in Technical Colleges.
- (iv) And such other employees or groups of employees as the Council of the Union may from time to time determine.

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

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

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

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

Existing Eligibility for Q.P.O.A (a) Ordinary Members. Persons permanently or temporarily engaged in either a full-time or a part-time capacity by the State Government or (in relation to the Crown in right of the State) any Crown Corporation, Crown Instrumentality or Minister representing the Crown or by any Statutory Corporation of which fifty per cent or more of the members are appointed by the Governor-in-Council or employed in an educational institution designed as a University or a College of Advanced Education in the State of Queensland or employed in the Mater Misericordiae Hospitals, or The Australian Red Cross Society, Queensland Division, Blood Transfusion Service, in professional or technical activities all of whom have been duly admitted by the Executive as hereinafter provided.

(aa) Employees permanently or temporarily engaged in either full-time or part-time capacity in professional or technical activities as Cadets, Assistants, Drafting Officers, Dietitians/ Nutritionists, Laboratory Technician, Occupational Therapists, Physiotherapists, Podiatrists, Psychologists, Recreation Officers, Scientists or Speech Therapists who have been duly admitted by the Executive as hereinafter.

(aaa) Notwithstanding the foregoing rules, the following classes of persons shall be eligible for membership; being persons who are employed in the Private Pathology Industry and who may be employed in the capacity of scientists, technicians, laboratory assistants, attendants, employees engaged in any clerical functions within the laboratory or which are directly associated with the technical functioning of a laboratory as well as electrical, electronic and instrument tradesperson, technicians and assistants thereto.

(aaaa) Non vision impaired employees who are permanently or temporarily engaged in either a full-time or part-time capacity with Vision Queensland.

(b) Continuing Members. Members of the Union who have retired or who have left their employment in an industry within the coverage of the Union or who have been retrenched may upon application become members of the Continuing Section.

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

(c) Honorary Members. Persons not eligible for ordinary membership or Continuing Members Section membership. The number shall not exceed 10.

(d) Life Members. Members who have given distinguished service to the Union and who have been elected as life members on the recommendation of the Council at an Annual Meeting.

(e) Staff Members. Persons employed by the Union as General Secretary, Assistant General Secretary, Deputy General Secretary, Director, Industrial Services, Principal

Industrial Officer, Senior Industrial Officer, Industrial Officer, Assistant Industrial Officer, Research Officer or Organiser or in any other capacity.

(f) Student Members. Persons who are studying in a discipline wherein having qualified they will be eligible for membership of the Union pursuant to sub-rule (a) or sub-rule (aa) hereof.

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

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

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

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

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

DIVISIONS

- 7 (a) There shall be two (2) Divisions of the Union being the General Division and the Public Service Division.
- (b) Upon admission to membership, a member shall be allocated to either the General Division or the Public Service Division.
- (c) The Executive shall determine which members shall be allocated to each Division based on their employer and shall deal with any dispute concerning the allocation of a member or members.
- (d) Notwithstanding sub-rule (c) herein, the Public Service Division shall include members working in State Government Departments, agencies and statutory authorities representing the Crown except for those members employed in the health industry. The Executive shall determine which members employed in the health industry are allocated to which Division based on their occupation and industrial arrangements. The Executive may allocate some members working in the Mater Misericordiae Public Hospital to the Public Service Division.

ADMISSION TO MEMBERSHIP

- 8 (a) An applicant for admission shall:
- (i) make an application in writing to the Secretary that includes the applicant's residential address and the name of the employer; or
 - (ii) make an application by telephone that includes advising the Union of the applicant's residential address and the name of the employer; or
 - (iii) make an application by electronic means that includes advising the Union of the applicant's residential address and the name of the employer
- (b) The application shall be considered by the Secretary when received, and unless referred by the Secretary to the next meeting of the Executive, the applicant shall be and be deemed to be a member of the Union from the date of receipt of the application by the Union or the Secretary.
- (c) An application for membership referred by the Secretary to the Executive shall be considered by the Executive which may accept, reject or defer the application. If accepted the applicant shall be and be deemed to be a member in accordance with sub-rule (b) herein. If rejected the applicant shall be deemed never to have been a member of the Union.
- (d) The Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (e) (i) An applicant whose application for membership has been rejected or deferred may appeal to the Council.

- (ii)(A) Any member whose membership has been rejected or deferred by the Executive shall have the right to appeal to the Council. A member who wishes to appeal shall advise the Secretary within 30 days of being advised of the finding of the Executive and the Secretary shall refer the matter to the next Council meeting.
- (ii)(B) Where an appeal is lodged the decision of the Executive shall not take effect until after the matter has been determined by the Council.
- (ii)(C) At the Council meeting the Secretary on behalf of the Executive shall state the reasons why the membership has been rejected or deferred, and if requested by the appellant, the appellant shall be heard. The meeting may decide the appeal notwithstanding the absence of the member appealing.
- (f) The Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the Secretary shall keep or cause to be kept a record of the application.
- (g) Each applicant for membership whose application is accepted shall be entitled to receive free of charge a copy of the Rules of the Union.
- (h) The Secretary shall inform applicants for membership, in writing, of:
- (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Union.
- (i) An application for membership of the Union from a person who previously has resigned from the Union may be referred by the Secretary to the Executive. If the application is accepted by the Executive it may determine that re-admittance to membership shall be conditional upon the payment of any monies owing by the applicant to the Union subject to Sections 541, 542 and 543 of the *Industrial Relations Act 1999* (Qld); and subject further to Rule 36(g) and (h). Provided that acceptance of a person as a member shall not be invalidated by non disclosure of any previous resignation.
- (j) No error, omission, or want of form in connection with any application for membership under this rule shall invalidate membership.
- (k) (i) Notwithstanding anything contained in this rule, the Union may reach agreement with the Federal Organisation, which agreement may provide for automatic membership of the Federal Organisation for members of the Union and may provide for the receipt and holding of monies jointly or in common by the Federal Organisation and the Union and conversely the automatic membership of members of the Federal Organisation in the Union.
- (ii) Automatic membership and the waiving of the requirement to pay contributions in whole or in part, of the Federal Organisation may, by agreement or unilaterally, be granted to any class of members of the Union.
 - (iii) Nothing in this sub-rule shall render eligible for membership any person not otherwise eligible for membership of the Union under Rule 6. Further, “automatic membership”

when used in this sub-rule shall mean membership granted to a member free of the payment of any contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

PURGING THE REGISTER

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

RESIGNATIONS

- 10 (a) A member may resign membership of the Union by written notice addressed and delivered to the Secretary.
- (b) A notice of resignation takes effect:
- (i) If the notice states a day or time after the notice is given when the resignation takes effect, on the day or time; or
 - (ii) otherwise when the notice is given.

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

MEMBERSHIP RIGHTS

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

UNFINANCIAL MEMBERS

- 12 (a) A member owing annual subscriptions or fines or levies for a period of three (3) months after they first become due shall be unfinancial.
- (b) A member who elects to pay payroll deduction subscriptions shall be deemed to be unfinancial, should the member's authority to deduct such subscriptions from salary be withdrawn, from thirty (30) days after such withdrawal of authority. Provided that the provisions of sub-rule (a) herein shall apply in respect to any outstanding annual

subscriptions of a member who was paying annual subscriptions prior to electing to pay payroll deduction subscriptions.

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

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

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

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

LEGAL AND INDUSTRIAL ASSISTANCE

- 13 (a) Any financial member of the Union may request legal or industrial assistance from the Union in relation to any matter or proceeding whatsoever relating to the employment of the member, and any expense incurred by the Union in legal or other fees and costs in connection with such assistance shall be deemed to be part of the ordinary expenditure of the Union.
- (b) A request by a financial member for assistance in accordance with sub-rule (a) herein shall be made in writing addressed to the Secretary, if that officer so requires.
- (c) The Executive shall consider each request received under sub-rule (b) herein 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) herein, 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 sub-rule (c) herein, 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) herein.
- (e) Any decision by the Executive in urgent cases under sub-rule (c) herein 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 sub-rule (c) herein, 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 sub-rules (c), (d) or (e) herein 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 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 sub-rule (g) herein, the member may seek a review of the decision with the Secretary. If the Secretary, upon review, does not restore the industrial assistance provided by the Union, the member may appeal to the Executive.

MORTALITY BENEFIT

- 14 (a) 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 Secretary of the Union a nomination in such form as the Council may prescribe.
- (b) 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.

- (c) Payment of the mortality benefit shall be made by the 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 Secretary shall refer the matter to the Council, and Council's decision thereon shall be final.
- (d) The 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.
- (e) 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.

POWERS AND FUNCTIONS OF COUNCIL AND EXECUTIVE

Powers and Functions of Council

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

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

- (i) to acquire by purchase, lease, exchange, hire or otherwise, lands and property of any tenure, whether real or personal, or any interest in the same which it may think necessary or convenient for the purpose of the Union's business, and to seek, lease, let, mortgage, improve, manage, develop, exchange or otherwise deal with all or any part of the property and rights of the Union, whether real or personal.
- (ii) to purchase, hire or otherwise acquire any books, newspapers, documents or other property necessary for the purposes of the Union.
- (iii) to investigate complaints by members of the Union and take such action as may be deemed necessary in regard thereto.
- (iv) to call such meetings of the whole or any section of the Union membership as it considers desirable, on such notice as it may deem necessary

- (v) to make, vary or repeal By-Laws for the regulation of the affairs of the Council, its officers and employees, and for the conduct of business at any meeting of the Council or of the Union;
- (vi) to appoint such Committees as may be deemed necessary;
- (vii) to establish and maintain a staff benefit or superannuation scheme or schemes and to determine conditions thereof; and
- (viii) to borrow money for any purpose and to mortgage or charge the Union's undertaking, property or any part thereof and to secure any debt, liability or obligation of the Union or any other person and to do all things incidental thereto.

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

- (c) Council is empowered to enter into agreements with the Federal Organisation pursuant to Sections 151 and 152 of the Fair Work (Registered Organisations) Act 2009 (Cth) or any statutory provision amending, replacing or supplementing that provision.
- (d) 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 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 Secretary and Assistant Secretaries shall be determined separately and distinctly from those determined for the other Senior Executive Officers and shall be deemed to be a part of the salary package of the Secretary and Assistant Secretaries.

Powers and Functions of Executive

- (e) Subject to the overriding authority and control of the Council, the Executive shall stand in the place of the Council between meetings of the Council and shall determine the policy of the Union and manage its affairs between Council Meetings; provided that the Secretary shall cause a report to be furnished to the Council upon all decisions made and actions taken by the Executive.
- (f) The Union may employ such staff as determined by the Executive. The Union shall treat its employees fairly and provide a safe place and system of work for its employees.
- (g) The Executive shall in addition to the powers and functions referred to in sub-clause (e) herein:
 - (i) have the power to appoint and at its discretion dismiss or suspend employees of the Union;
 - (ii) determine the wages and conditions of employment of the employees appointed subject to any awards, enterprise agreements or other industrial instruments;

- (iii) develop appropriate staffing policies and practices for the fair and equitable treatment of the Union's employees;
- (iv) develop policies and procedures for investigations of employee performance which are based on the principles of natural justice; and
- (v) provide an appropriate dispute resolution process for staff including access to an agreed external conciliation processes.

DELEGATE RIGHTS

16 Council delegates shall:

- (a) 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.
- (b) determine the Union's response to any matters raised by their employer, which does not affect members employed in any other sub-division.
- (c) determine policy and strategy in collective bargaining campaigns and ensure:
 - (i) Affected members determine the issues to be included in any claim as part of a collective bargaining campaign;
 - (ii) 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;
 - (iii) That all affected members shall decide on any collective industrial action to be taken during a collective bargaining campaign; and
 - (iv) 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.
- (d) determine levies for members of the Union, in addition to the standard membership subscriptions, for Union members employed in their sub-division.
- (e) establish Agency Committees and/or Common Interest Groups for some or all members and approve constitutions of such Agency Committees or Common Interest Groups.
- (f) 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 Secretary.

COMPOSITION OF COUNCIL

17 (a) The Council of the Union shall be comprised of:

- (i) the Executive;
- (ii) delegates representing members employed in agencies or employing authorities determined by the Council under sub-rule (c) herein;
- (iii) delegates representing members employed in Regional Organising Committee regions eligible under sub-rule (c) herein; and
- (iv) delegates representing members who have identified to the Union as being of Aboriginal or Torres Strait Islander origin.

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

(b) Elections for the delegates to Council shall be held quadriennially.

(c) The Council shall, at a meeting of Council held in the fourth year of each term, determine:

- (i) The allocation of employers to sub-divisions for representation on the Council in the year commencing on the first day of January next following.
- (ii) Each sub-division shall be entitled to elect a Council delegate or Council delegates on the following basis:-
 - (1) Up to 100 financial members as at 1 July in the fourth year of each term - 1 Delegate
 - (2) For each additional 100 financial members as at 1 July in the fourth year of each term or part thereof - 1 Delegate
 - (3) Every employer employing financial union members shall be allocated to a sub-division.
 - (4) All financial members, other than continuing members and honorary members shall be allocated to a sub-division.
 - (5) Staff members shall comprise a Staff Sub-division.
- (iii) Regional Organising Committees, previously established under Rule 21, which are eligible for Council representation as defined by Rule 21.
- (iv) The number of delegates representing members who have identified to the Union as being of Aboriginal or Torres Strait Islander origin on the following basis:
 - (1) Up to 100 financial members as at 1 July in the fourth year of each term - 1 Delegate
 - (2) For each additional 100 financial members as at 1 July in the fourth year of each term or part thereof - 1 Delegate.

COMPOSITION OF EXECUTIVE

- 18 Executive shall consist of the Senior Executive Officers (being the Secretary, Assistant Secretaries (2), President, Senior Vice - President, Junior Vice – President (3), Treasurer, Assistant Treasurer) and ten (10) Other Members.

AGENCY COMMITTEES

- 19 (a) Council delegates for each sub-division may authorise:
- (i) the formation of an Agency Committee to represent members employed in any single employer; and
 - (ii) approve the constitution of such a Committee.
- (b) If an Agency Committee is formed it shall exercise the powers of Council delegates for a sub-division in Rule 16 for members within that employer.

COMMON INTEREST GROUPS

- 20 (a) Council delegates 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.
- (b) If a Common Interest Group is formed it shall exercise the powers of Council delegates for a sub-division in Rule 16 for members of that Common Interest Group.

REGIONAL ORGANISING COMMITTEES

- 21 (a) 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.
- (b) 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 quadrennial 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 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.

- (c) 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.
- (d) Every Regional Organising Committee shall forward to the Council through the Secretary as soon as practicable after the end of each calendar year, an audited statement of its receipts and payments.
- (e) 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 Secretary or a person nominated by the Secretary.
- (f) Without prejudice to sub-rule (e) herein, the Honorary Secretary of each Regional Organising Committee shall co-operate with the Secretary or a person nominated by the Secretary in ensuring that the Council and the Executive are fully informed about the activities of the Regional Organising Committee.
- (g) 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.
- (h) No Regional Organising Committee Officer shall incur any expense or liability on behalf of the Union without the consent of the Council.
- (i) A Regional Organising Committee shall be able to determine Union policy on a matter specific to members of the Region and which does not affect other members, subject to determinations of the Executive or Council under Rule 49.
- (j) 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 Secretary.

ANNUAL GENERAL MEETING

- 22
- (a) 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.
 - (b) The Council shall determine the date and time and place of the Annual General Meeting.
 - (c) Failing determination of the date and time as prescribed in sub-rule (b) herein, the President shall determine the date and time of the Annual General Meeting.
 - (d) Additionally, to the reports provided by the President and Treasurer, 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.

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

- (f) 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 Secretary may give notice by such further additional means as to the Secretary seems practical and desirable.
- (g) Any notice of the Annual General Meeting of members of the Union shall state the purpose for which such meeting is to be held.
- (h) 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.
- (i) Decisions of the Annual General Meeting of members shall be made by way of a majority vote of financial members present.
- (j) The 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 twenty eight (28) days prior to the Annual General Meeting.
- (k) 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

- 23 (a) Council shall, once in each year, fix the date of Ordinary General Meetings of members of the Union to be held in that year.
- (b) Council may convene a Special General Meeting of ordinary members at any time.
- (c) The Executive may convene a Special General Meeting of members of the Union at any time.
- (d) Upon delivery to the Secretary of a written demand for a Special General Meeting of members of the Union, over the signature of one hundred (100) financial members of the Union, a Special General Meeting of members of the Union shall be called within seven (7) days.
- (e) Ordinary and Special General Meetings of the members of the Union shall be held at such times and places as the Council shall determine, either generally, or in any particular case.
- (f) Failing such determination of the time of meetings, either generally, or in any particular case, the President shall fix the time of any Ordinary or Special General Meeting for which a time has not been fixed.
- (g) The administrative function of publishing notices relating to any Ordinary or Special General Meeting of members and arranging a venue therefore shall be discharged by the Secretary.
- (h) No fewer than three (3) days' notice of any Ordinary or Special General Meeting of members of the Union shall be given by way of advertisement in one or more daily newspapers, provided that the Council may direct that notice be given by an additional means, and that the Secretary may give notice by such further additional means as to the Secretary seems practical and desirable.
- (i) Any notice of Special or Ordinary General Meetings of members of the Union shall state the purpose for which such meeting is to be held.
- (j) The quorum for a Special General Meeting is 250 financial members present, provided that if the quorum is not present within 15 minutes of the time notified for the commencement of the meeting, the meeting shall be abandoned.
- (k) The quorum for an Ordinary General Meeting is forty (40) financial members present.
- (l) Every financial member present at an Ordinary or Special General Meeting of the Union shall have one (1) vote save that the Chairperson shall not have a deliberative vote, but shall have a casting vote in the event of an equality of votes. Votes shall be cast by way of a show of hands, save where the Chairperson rules that a division is appropriate.

- (m) Decisions of Special and Ordinary General Meetings of members shall be made by way of a majority vote of financial members present.
- (n) Notwithstanding anything contained in this rule, a Special or Ordinary General Meeting of members of the Union shall not be called for the purpose of dealing with a particular subject if a Special or Ordinary General Meeting upon the same subject has been held within the life of the Council, or at any time within twelve(12) months of the date of demand for same; save where the holding of the meeting is approved by either the Council or the Executive.
- (o) Nothing in this rule shall diminish or derogate from the authority of the Council to manage and determine the policy of the Union. If the meeting results in a majority of the financial members casting a vote in favour of the proposition, the Council shall pay due regard to the views of the membership expressed in such vote when exercising the powers of Council under these Rules.

MEMBERSHIP BALLOT

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

WORKPLACE REPRESENTATIVES

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

UNION MEETINGS

- 26 (a) For the purposes of this rule, Union structures shall include the Council, Council committees, the Executive, Meetings of Council delegates representing a Division, Agency Committees, Regional Organising Committees and Common Interest Groups.
- (b) The President shall be the chair of the Council and the 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.

- (c) Each Union structure where the President is not the chair, or has decided not to be the chair, shall elect a chair.
- (d) 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.
- (e) A special meeting of a Union structure shall be convened on demand to the Secretary, in writing, and over the signature of no fewer than half the members of the Union structure. The 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.
- (f) The 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.
- (g) 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:
 - (i) Council where no business shall be transacted at any ordinary or special meeting of Council attended by fewer than one third of the members of the Council;
 - (ii) 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

- 27
- (a) Notwithstanding Rules 26 and 50 any decision which under these Rules may be made by the Council in meeting assembled including, without limiting the generality of the forgoing, the addition to or amendment of these rules, may be made by post in accordance with this Rule and any decision so made shall be valid and effectual for all purposes.
 - (b) A postal ballot shall be held whenever so decided by the Council or the Executive.
 - (c) For the purposes of this Rule, “by post” means that each member of the Council shall be forwarded in writing and sent by post, facsimile or other electronic means, courier or communication delivered by hand, a copy of the question upon which that Council Delegate’s vote is required together with advice of the period in which the member is to record a vote being:-

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

MEETINGS OTHER THAN COUNCIL

- 28 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

- 29 (a) 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 April in the final year of the term. The nominations must be open for at least twenty eight (28) days.
- (b) Following the conclusion of the general election, the Returning Officer shall call nominations for the ten (10) 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.
- (c) Only members of the Union (excluding Honorary Members or Retirement Members), who are financial at the date on which nominations close, and have been continuously financial for twelve (12) months immediately preceding that date shall be eligible to be nominated for the positions of Council delegate, Other Member of Executive or Senior Executive Office.
- (d) Only persons holding office as a Council delegate may be nominated for the position of Other Member of the Executive.
- (e) Continuing Members and Retirement Members shall not be eligible to nominate for positions of Senior Executive Office, Other Member of Executive or Council delegate.
- (f) 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.
- (g) Every nomination for Senior Executive Office, Other Member of Executive or Council delegate must bear evidence of the nominee's willingness to accept office.
- (h) 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.
- (i) Every nomination for Other Member of the Executive must be signed by at least five (5) Council delegates.
- (j) 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.

- (k) A member must be employed in the relevant sub-division as determined under Rule 17(c) or relevant Regional Organising Committee region as determined under Rule 17(c) to be eligible to be nominated to represent them as a Council delegate.
- (l) 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.

- (m) The Returning Officer must declare a candidate elected to an office if:
 - (i) nominations have closed; and
 - (ii) the candidate does not hold another office; and
 - (iii) the candidate has – (1) not nominated for a higher office; or (2) nominated for a higher office and is not elected to the higher office; and
 - (iv) if the election is for President or Secretary the candidate is the only candidate; or
 - (v) 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

- 30 (a) 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.
- (b) The election for positions of Senior Executive Office and Council delegate shall be conducted in the month of June. The ballot shall close at midday on a date being not later than ninety (90) working days after the close of nominations.
- (c) The election for the positions of Other Member of the Executive shall be conducted in the month of August. The ballot shall close at midday on a date being not later than the last day of August. The Returning Officer shall declare the poll prior to the next Meeting of Council.
- (d) For elections for positions of Senior Executive Office, eligible members shall be all financial members of the Union.

- (e) For elections for positions of Council delegate, eligible members shall be all financial members of the relevant sub-division or Regional Organising Committee.
- (f) For elections for positions of Other Member of Executive, eligible members shall be all financial members of the Council.
- (g) 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

- (h) 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.
- (i) 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.

ASSUMPTION AND TENURE OF OFFICE

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

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

REMOVAL OF OFFICERS

32 In the case of the Senior Executive Offices, other members of the Executive and Council Delegates:

- (a) At a meeting of Executive to which the holder of any of the above offices has been summoned in writing by direction of the Executive to show cause why they should not be dealt with in accordance with this rule the Executive may:
 - (i) remove that officer from any office if they have ceased according to the Rules to be eligible to hold such office, or
 - (ii) deal with that officer in accordance with sub-rule (d) herein if the officer has been found guilty by the Executive of:
 - (1) misappropriation of funds of the Union;
 - (2) a substantial breach of the rules of the Union;
 - (3) gross misbehaviour in relation to his or her office; or
 - (4) gross neglect of duty in the conduct of his or her office.

The summons to show cause shall:

- (iii) state the allegation together with the particulars thereof;
 - (iv) disclose the evidence on which the allegation is based;
 - (v) be signed by the Secretary or the President;
 - (vi) state the time, date and place at which the officer is to show cause;
 - (vii) be delivered personally to the officer concerned (or posted by registered mail to the officer's last known address) at least twenty one (21) days before the meeting at which the matter is to be determined;
 - (viii) have attached to it a copy of this rule.
- (b) Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on them.
 - (c) The evidence relating to the alleged offence should be heard by the Executive and the officer concerned shall be heard in his or her defence personally and/or in writing.
 - (d) If in the opinion of the Executive the officer is guilty of the alleged offence it may:
 - (i) reprimand the officer;

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

CANCELLATION OF MEMBERSHIP

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

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

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

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

- (d) The member shall have the right to appear in person at any such meeting of Council and to address Council in relation to the matter of membership but may at the member's option make submissions in writing to the said meeting of Council.
- (e) It shall be misconduct within the meaning of this Rule:-
 - (i) to lay knowingly a false charge against any other member;
 - (ii) to refuse or fail to obey any Rule of the Union;
 - (iii) to refuse or fail to observe any policy adopted by the Union;
 - (iv) to contravene or fail to observe an award or industrial agreement;
 - (v) to behave in a disorderly manner at any meeting conducted pursuant to these Rules;
 - (vi) to obstruct any officer of the Union in the performance of his or her duties;
 - (vii) to divulge confidential Union business to anyone not entitled to know; and
 - (viii) to misappropriate the funds of the Union.
- (f) On any hearing on an allegation of misconduct, it shall be a defence to prove that the misconduct occurred notwithstanding that the person charged took all reasonable precautions and used all due diligence to avoid misconducting.

CASUAL AND UNFILLED VACANCIES

- 34
- (a) That if any positions of Delegates to Council have not been filled at election or casual vacancy arises, the vacancy shall be filled on an annual basis in accordance with these Rules and the nominations are to close in April, and the election, if required, to be held in June of the second, third and fourth years of each term.
 - (b) In the event of a vacancy occurring in any Senior Executive Office or other Executive Member, the Returning Officer shall cause an election to be held for the filling of such vacancy provided that where the unexpired part of the term of office is less than three (3) quarters of the term of office, the Council may appoint an eligible person to fill the vacancy.
 - (c) The Senior Executive Officers and the ten (10) Other Members of the Executive shall be financial members. If they cease to be financial members they shall cease to hold office subject to Rule 32.

- (d) No member may nominate for election to more than one (1) Senior Executive Office, provided that a Senior Executive Officer may nominate or be appointed to fill a casual vacancy in which case should such member be elected, that member's previously held Senior Executive Office shall be deemed to be vacant.

APPLICATION OF FUNDS

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

SUBSCRIPTIONS

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

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

- (i) one (1) calendar month's written notice of the proposed variation shall be given to all Council Delegates; and
 - (ii) the variations have been approved by a meeting of Council.
- (b) 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 or full time equivalent hours as at date of application for membership.

- (c) 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 sub-rules (a) and (b) herein and shall be applied to the subscription of a member when payment of a subscription is effected under any of the following conditions:

- (i) The whole of the year's subscription together with arrears of subscription if any is paid on the first day of July each year; or
- (ii) The whole of the year's subscription is paid in full by an applicant for membership of the Union before the end of September each year.

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

- (d) 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 Secretary shall take all necessary action for the purposes of such recovery.
- (e) Subscriptions may be paid or forwarded to the Secretary at the Registered Office of the Union or may be paid by means of payroll deduction or by means of periodic deduction from moneys held in an account on the member's behalf by a financial institution or from a member's credit card.
- (f) The term 'financial institution' means a bank, building society, credit union or credit society.
- (g) When a member demonstrates to the satisfaction of the Executive, financial hardship which precludes payment of subscriptions as prescribed by this rule, the Executive may approve such an arrangement as will facilitate the payment of the outstanding subscription.

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

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

LEVIES

- 37 (a) The total amount of levies struck in any one (1) year shall not in any case exceed one-half of the amount of the annual subscription unless approved by a majority of the members or group of members (as the case may be) voting by ballot.
- (b) The determination of any levies shall require:
 - (i) one (1) calendar month's notice to Council Delegates of the proposed levy; and
 - (ii) a ballot of Council Delegates present at a Council Meeting.
- (c) Any levy which is unpaid at the 30th June next following the date upon which it became due may with the approval of the Executive be recovered as provided for by

the Industrial Relations Act 1999 and the Secretary shall take all necessary action for the purposes of such recovery.

EXECUTION OF CHEQUES

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

AUDIT

- 39 (a) The Annual General Meeting shall appoint an Auditor who shall be qualified as prescribed by the Industrial Relations Act 1999.
- (b) 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

- 40 (a) The register of the names and addresses of members of the Union and all books kept by the Secretary and/or the Treasurer, shall be available for inspection by any 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 Secretary has received forty eight (48) hours' notice of the application granted by the President.
- (b) On each occasion on which a member avails of the right to inspect the register and books described in sub-rule (a) herein, a Member of the Executive shall be present, together with the Secretary or a nominee of the Secretary.

- (c) No financial member who undertakes an inspection of the records or books described in sub-rule (a) 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.
- (d) Notwithstanding sub-rule (a) herein, 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.
- (e) Notwithstanding sub-rule (a) herein, in any case in which the President considers an application pursuant to sub-rule (a) hereof to be frivolous or vexatious, the President shall refer same to the Council for determination and notify the applicant accordingly.
- (f) The applicant shall be entitled to make written submission to Council prior to a determination by Council pursuant to sub-rule (e) herein.
- (g) The President and the Secretary shall report upon every application pursuant to sub-rule (a) to the meeting of Council which immediately follows receipt of the application.

DUTIES OF OFFICERS

DUTIES OF THE PRESIDENT

41 The President:

- (a) shall be recognised as the official head of the Union;
- (b) shall subject to the provisions of Rule 42 chair meetings of Council and the Executive and of members, and shall preserve order so that business may be conducted with propriety and in accordance with any Standing Orders made under the authority of these Rules;
- (c) shall, upon confirmation of the minutes at any meeting chaired by the President, sign the Minute Book in the presence of the meeting;
- (d) shall at any meeting advise of his or her intention to cast a deliberative vote and, in the case of an equality of votes, exercise a casting vote;
- (e) shall sign all documents requiring the signature of the official head of the Union, and where any rule of law or practice requires that a document executed by or on behalf of the Union be signed by an officer of the Union, execute such document; and where any such rule of law or practice requires that a document executed by or on behalf of the Union be signed by more than one officer of the Union, shall execute such document, together with the Secretary;
- (f) shall be a member, ex officio, of any committee or sub-committee of the Council or Executive and have the right to attend and to speak at any meeting held pursuant to these rules; and

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

DUTIES OF VICE-PRESIDENTS

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

DUTIES OF SECRETARY

- 43 (a) The Office of Secretary of the Union shall be a Senior Executive Office, and the Secretary shall be employed by the Union on such terms as may be mutually agreed by the Council and published in the Union Journal prior to the opening of the quadrennial ballot for the office of Secretary.
- (b) The terms of the Secretary's employment shall be in writing and executed by the Secretary and the President of the Union.
- (c) Subject to the direction of Council, the Secretary shall discharge the following functions and duties on behalf of the Union:
 - (i) keep proper books of account showing receipts and expenditure and keep separate accounts for all those particular funds in which at any time, and from time to time, moneys of the Union may be held, and keep separate accounts of the expenses of management and of all contributions on account thereof;
 - (ii) collect and receive all moneys payable to the Union, issue receipts for same, and deposit same in such bank account or other form of investment account as may be determined from time to time by Council;
 - (iii) subject to Rule 38 of these Rules, sign all cheques and negotiable instruments and every abstract supporting any such cheque or negotiable instrument

drawn on the Union's bankers, accounts and funds, and be the authorised officer of the Union for such purpose;

- (iv) subject to these Rules, have the charge and custody of all moneys belonging to the Union;
- (v) be prepared, at all regular monthly meetings of the Council, to give a statement of the Union's current account, and submit to the Council a yearly statement showing the true financial position of the Union as at 30 June in each year;
- (vi) when vacating office, deliver to the successor to office or to the Council's nominee, all books, accounts, funds and documents belonging to the Union which are in possession of the Secretary or under the Secretary's control;
- (vii) produce for audit at least once a year, and at such additional times as the Council may direct, all books and documents of the Union relating to the funds and accounts of the Union, together with such other documents and information as the Auditors may require;
- (viii) attend, unless excused by the Council or the Executive, all meetings of the Council and the Executive and all meetings of members of whatsoever kind and, so far as is practicable, all meetings held pursuant to these rules and keep a record of the proceedings of all meetings which, by this rule, the Secretary was required to attend;
- (ix) maintain a register of names and addresses of the members of the Union and Members of the Council in such form as the Council determines being the form which complies with the Industrial Relations Act 1999;
- (x) at the request of a financial member, make available for examination at the Registered Office of the Union and during the ordinary hours of opening of the said Office, minutes of such meetings of the Council or the Executive, or of the members as the said financial member may request. Provided that where Council, or the Executive, or a meeting of members requires that a particular minute, or class of minute be treated as confidential, the Secretary shall observe the requirements of the Council, the Executive or the meeting of members as the case may be;
- (xi) act as editor and business manager of the Union Journal and any other official publication of the Union;
- (xii) take all such steps as may be necessary to ensure that the Union complies with all obligations imposed upon it by law to disclose information or to make documents or books available for inspection;
- (xiii) be responsible for the proper management and administration of the Union and to perform such duties and functions as are delegated by Council or by the Executive;

- (xiv) be the officer to sue and to be sued on behalf of the Union; and on behalf of the Union, to institute prosecutions and other proceedings in any Court, Commission or tribunal whatsoever, and to accept service of process on behalf of the Union and to represent the Union before any Court, Commission or tribunal whatsoever in any matter affecting or relating to the Union or a financial member of the Union; and to make any claim, including a claim under the Industrial Relations Act 1999, or to take any action necessary for the enforcement or defence of the rights and privileges of members of the Union. Provided that any action taken by the Secretary, pursuant to this sub-rule, shall be reported to the Council at its next meeting; and provided that the Council may appoint and authorise any person (whether an officer of the Union or not) to perform all or any of the acts referred to in this sub-rule, either generally, or in any particular case additionally to, or in substitution for the Secretary;
 - (xv) ensure that the decisions of Council and Executive are implemented;
 - (xvi) to apply for membership of the Federal Organisation for and on behalf of any member who is eligible to belong to the Federal Organisation provided that on each occasion the Secretary shall write to the member advising:
 - (1) of the financial obligations arising from membership,
 - (2) the circumstances and the manner in which a member may resign from the Federal Organisation; and
 - (3) that the application will be made on a specified date unless the member instructs the Secretary otherwise.
 - (xvii) such other duties as are nominated in the terms of employment as mutually agreed by the Council and the Secretary;
 - (xviii) notify the Queensland Industrial Relations Commission in the prescribed manner of the existence or likelihood of industrial disputes;
 - (xix) advise in writing applicants for membership of the Union of:
 - (i) the financial obligations arising from membership and;
 - (ii) the circumstances and the manner in which a member may resign from the Union.
- (d) The Secretary shall be responsible for:
- (i) the management of the Union's offices; and
 - (ii) the administration and application of the Union's policies and procedures in relation to the Union's employees.

- (e) The Secretary may resign from office by notice in writing delivered to the President, provided that such notice shall be of one (1) month's duration. Such period of notice may be waived wholly or in part by mutual consent of the Secretary and the Executive.

DUTIES OF ASSISTANT SECRETARIES

- 44 (a) The offices of Assistant Secretaries shall be Senior Executive Offices and the Assistant Secretaries shall be employed by the Union on such terms as may be determined by Council and published in the Union Journal prior to the opening of the quadrennial ballot for the offices of Assistant Secretary.
- (b) The terms of the Assistant Secretaries' employment shall be in writing and executed by each Assistant Secretary and the President of the Union.
- (c) Subject to the direction of Council and the Secretary, the Assistant Secretaries shall assist the Secretary in the performance of all of the duties of the Secretary and jointly perform all such duties in the absence of the Secretary or whenever the Secretary requests that an Assistant Secretary performs the duties of the Secretary or such of those duties as may be specified in such request.

DUTIES OF THE TREASURER

45 The Treasurer:

- (a) shall ensure that all books and financial statements show a true and correct record of financial transactions of the Union and, in particular, shall ensure that receipts are issued for money received on behalf of the Union; that money received is properly banked; that all payments are authorised pursuant to these rules; and be prepared, at each regular meeting of the Council, to give a statement of receipts and payments;
- (b) shall furnish to the Annual General Meeting of members a yearly statement of receipts and payments, with the statement showing assets and liabilities;
- (c) shall co-operate with the Secretary in presenting an annual budget to the Meeting of Council.;
- (d) shall, as directed by the Council, control all real property of the Union and invest the funds of the Union;
- (e) shall keep a Register of investments in such form and detail as to show the value of investments made on behalf of the Union and shall keep separate accounts of all moneys received or paid on account of every particular fund and shall allow the President and the Secretary and persons authorised by them to inspect at any time during ordinary office hours any such Register or account or records; and
- (f) shall, upon leaving office, hand over any document, deed or inscribed stock, debenture or other property of the Union held on behalf of the Union to the President of the Union.

- (g) Notwithstanding any power that the Treasurer has pursuant to this rule and subject to Rules 38 and 41, where any document requires execution that in any way deals with or affects:
 - (i) the Union's property; or
 - (ii) the investment of the Union's funds that document can only be executed by the President and Secretary of Union.

RETURNING OFFICER

- 46 (a) The Annual General Meeting shall in each year appoint a Returning Officer who, save as otherwise provided, shall supervise the conduct of all elections and ballots other than for the conduct of elections for officers, required or authorised by these Rules, and who shall hold the position of Returning Officer until the Annual General Meeting of members in the following year. For the conduct of elections for officers required under the Industrial Relations Act 1999, the Returning Officer or manager of the election shall be the Queensland Electoral Commission unless otherwise determined by Council.
- (b) A person who is an officer of the Union, or who is a member of the Council, or who is an employee of the Union, may not be appointed to be the Returning Officer and the position of Returning Officer shall not be an office in the Union.
 - (c) A person who is not a member of the Union may be appointed as Returning Officer.
 - (d) If at any time the Returning Officer is unable or unwilling to act, Council shall appoint some other eligible person to act in the Returning Officer's place.
 - (e) The Returning Officer may resign from office by notice in writing to the Secretary and shall be deemed to vacate office, having ceased to be eligible to be appointed as Returning Officer as prescribed at sub-rule (b) herein and, in all such cases, the Council shall forthwith appoint another Returning Officer for the remainder of the term prescribed in sub-rule (a) herein.
 - (f) The Returning Officer shall not vote in any election or ballot.

DUTIES OF COUNCIL DELEGATES

47 Every Council Delegate shall:-

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

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

ROLE OF WORKPLACE REPRESENTATIVES

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

INTERPRETATION OF RULES

- 49
- (a) The Council shall have authority to interpret the meaning of the Rules and shall settle any disputes and determine any matter relating to the Union on which the Rules are silent.
 - (b) Council shall determine if any matter considered by Delegates representing a sub-division of Council, an Agency Committee or Common Interest Group or Regional Organising Committee affects Union members who are not members of the Agency Committee or Common Interest Group or Regional Organising Committee. If Council determines that the matter does affect other Union members, then Council shall determine the Union policy on the matter, and Council's determination shall prevail over any other decision.
 - (c) The Executive shall make such determinations between meetings of the Council.
 - (d) By giving notice in writing any member of the Council shall have the right to raise with the Council, Executive or Secretary a matter which they consider has effect beyond a single Agency Committee or Common Interest Group or Regional Organising Committee. If such notice is given the matter will not be Union policy until the matter has been endorsed by the Council or Executive.

ALTERATIONS TO CONSTITUTION AND RULES

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

DISSOLUTION

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

TRANSITIONAL RULE

52

- (a) Application of Transitional Rule

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

(b) Definitions

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

(c) Members

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

(d) Financiality

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

e) Union Offices

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

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

(f) Senior Officers

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

(i) Interim Executive 2011 - 2012

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

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

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

(iii) Interim Executive 2012 - 2015

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

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

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

(g) Interim Council 2011 - 2012

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

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

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

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

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

Where:

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

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

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

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

(i) Election 2011

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

(j) Election 2012

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

(k) Synchronisation of elections – 2015

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

(l) Duties of Officers 2011-2015

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

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

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

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

(ii) In the event of a casual vacancy occurring in any Senior Office or Executive Member, an election is to be held for the filling of such vacancy in accordance with the relevant Rule provided that where the unexpired period of office is 12 months or less in the case of an office elected biennially or two (2) years or less in the case of an office elected triennially or three (3) years or less in the case of an office elected four yearly, the Council or Interim Council may:

- (i) determine that election be not held; and
- (ii) appoint a person able to fill the vacancy.

(iii) Provided that should a casual vacancy occur in the office of Assistant Secretary (No.2) or in the office of Deputy Secretary only a member of the General Division shall be eligible to be elected or appointed to fill such offices.

(q) Employees

(i) Each employee position existing in the QPSU on the day immediately preceding the Amalgamation Day shall become an employee of the Union.

(ii) Provided that the terms and conditions of employment of the employees of the Union shall be subject to existing industrial arrangements.

(r) Subscriptions and Levies

(i) On and after the Amalgamation Day there shall be a process to ensure that members transfer to paying subscriptions on a financial year basis.

(ii) Provided that each person who on the day immediately preceding the Amalgamation Day was a financial member of the QPSU through the payment of an annual subscription based on a calendar year continues to be a financial member of the Public Service Division of the Union and that this sub-Rule shall continue to apply.

(iii) Subscriptions shall be the initial subscription rate applicable to each member as at the day before the Amalgamation Day and increases shall apply on the following basis:

- 1 January 2011 - 2%;
- 1 July 2011 - 4%;
- 1 July 2012 - 4%.

Membership subscriptions (excluding discounts) for the period up until 30 June 2013 are set out below:

The wage rates for determining subscription levels are based on the *State Government Departments Certified Agreement 2009* for the rate effective from 1 August 2010.

Subscriptions 1/1/11 – 30/6/13

**Wage rate
(full-time equivalent
[FTE] employees)
per fortnight
as of 1/8/10**

Subscription amount (\$) per annum

	2010	1/1/11-30/6/11	1/7/11	1/7/12
3020.80 and above	503	513	533	554
2632.80 - 3020.70	488	498	518	539
1514.20 – 2632.70	473	483	503	524

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

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

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

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

Levies 1/1/11 – 30/6/13

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

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

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

BY-LAWS

A. - TIME OF MEETING

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

B. - ORDER OF BUSINESS

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

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

C. - STANDING ORDERS

The Council shall adopt Standing Orders to preserve order so that business may be conducted with propriety.

D. - PENALTY FOR BREACHES

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

E. - NOTICE OF MOTION

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

F. - PUBLICITY OF BUSINESS

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

G. - ELECTIONS OTHER THAN TO COUNCIL OR EXECUTIVE

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

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

These rules apply also to the filling of vacancies.

APPENDIX A

CONDUCT OF ELECTIONS

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

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

- the address of the member as shown on the Union records; and provision for the member to correct errors contained in the address shown;
- a number that is identical to the number shown on the voter's roll;
- a statement that the member must sign the declaration contained on the tear-off declaration slip or the vote will not be counted;
- a statement that the member must not detach the tear-off declaration slip from the envelope;
- a facility for the member to provide their signature; and

(c) a ballot paper;

which shall be forwarded at no expense to the voter.

- (ix) If, before posting such envelopes and ballot paper to any member, the Returning Officer receives a request from such member (in writing and signed by the member) to do so, the Returning Officer shall mail the envelopes and ballot paper to the member at an address other than the current address held in the Union records.
- (x) The Returning Officer shall obtain a post office box for the purposes of the ballot, in which case, the Reply Paid envelope shall be addressed to that post office box number. The Returning Office shall retain the keys of such postal box.
 - (1) The manager must get a ballot box and –
 - (a) keep the box in a safe place; and
 - (b) seal the box in a way that –
 - (i) allows voting material to be put in it until the ballot finishes; and
 - (ii) prevents voting material from being taken from it until votes for the ballot are to be counted.
- (xi) Each ballot paper shall bear the words "Unite Queensland, Industrial Union of Employees" and the initials of the Returning Officer and the names of the duly nominated candidates in alphabetical order, according to surname.

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

another and, in all cases, a square shall be printed opposite the name of each candidate on the ballot paper.

- (xii) The Returning Officer shall arrange for the printing of ballot papers. All voting shall be on the preferential system in all elections under these rules, provided that, in the case of an election for one candidate only, the system of voting shall be by the optional standard preferential voting system; or; in the case of an election for more than one candidate, the system of voting shall be by the multiple preferential voting system and members shall be directed to vote by marking the ballot paper with the numbers 1, 2 and so on as the case requires opposite at least the same number of candidates as there are positions to be filled.
- (xiii) The Returning Officer, on being satisfied on the personal written application of any member that such member has not received or used the original ballot paper sent to such member, may issue a "duplicate" ballot paper to the member. Upon request from the member, the "duplicate" ballot paper shall be accompanied by such other ballot material similar to those previously issued.
- (xiv) The Returning Officer shall, when necessary, arrange for the collection of ballot material from the postal box allocated for the election. Scrutineers shall be advised of such collection and may attend the collection. The absence of a scrutineer will not delay the activities of the collection.
 - (1) The manager of the election must put all voting material returned to the manager in the ballot box until voting has ended.
 - (2) If, after the finishing day for the election, the manager receives a return envelope apparently containing a ballot paper for the election, the manager must –
 - (a) keep the envelope sealed; and
 - (b) mark the envelope “Received by the manager after the finishing day for the ballot”; and
 - (c) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.
- (xv) At twelve o'clock noon on the day fixed for the closing of the poll, the Returning Officer shall:-
 - (a) Collect such locked containers containing ballot papers for the election and convey the same, unopened, to the place appointed by the Returning Officer for the conduct of the count. In the presence of such of the scrutineers as wish to be present, the Returning Officer shall proceed with the scrutiny and counting of the votes cast;
 - (b) open the locked containers and empty the contents onto a table or suitable receptacle; and; in the presence of the scrutineers shall count and balance the Reply Paid envelopes returned;

- (c) open the Reply Paid envelopes and extract the declaration style envelope without separating the declaration slip attached, provided that, should the tear-off slip be separated from the declaration style envelope the Returning Officer may accept such envelope and slip as formal;
- (d) check the roll number on the tear-off declaration against the roll number marked against the voter's name on the voter's roll; and; mark off the voter's name upon the voter's roll when satisfied, as far is practicable that the signature contained on the declaration is that of the eligible voter;
- (e) reject such envelopes and contents that:
- do not contain the signature of the member on the tear-off slip;
 - do not appear to contain the signature of the member concerned, provided that, should the Returning Officer be satisfied that the person who has completed and signed the declaration is a valid voter and that this valid voter has not voted previously in the ballot and that the reason for the person using this ballot material is due to a satisfactory explanation, then the Returning Officer may accept the declaration as valid and make note of this acceptance on the tear-off slip and against the correct number and name on the voter's roll;
- (f) place all rejected envelopes in storage for no further action in the scrutiny;
- (g) if so satisfied, remove the tear-off slips from the unrejected declaration envelopes and place all tear-off slips in storage prior to opening the "BALLOT-PAPER ONLY" envelopes;
- (xvi) When all the "BALLOT-PAPER ONLY" envelopes containing the ballot papers have been so dealt with by the Returning Officer, the Returning Officer shall:
- open the "BALLOT-PAPER ONLY" envelopes and extract the ballot papers, provided that, should more than one identical ballot paper be contained in a "BALLOT-PAPER ONLY" envelope, then all of those ballot papers are to be rejected; and;
 - proceed to examine the accepted ballot papers and count the number of votes recorded.
- (xvii) The Returning Officer shall not place any mark or writing on a ballot paper which enables any person to identify the voter by whom it was used.
- (xviii) A ballot paper shall be informal if:-
- (a) it is not authenticated by the initials of the Returning Officer; or
 - (b) if the signature of the voter has not been inserted on the envelope as required by these rules; or
 - (c) if it has upon it any mark or writing by which, in the opinion of the Returning Officer, the voter can be identified.

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

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

(xxv) The declaration of results shall contain:

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

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

METHOD OF COUNTING

ELECTION OF ONE CANDIDATE ONLY

1. The method of counting votes for the election of one candidate only, shall be by the optional preferential voting system, and ballot papers must contain a

preference marked for at least one candidate. The Returning Officer shall admit as formal any ballot paper whereby the voter's intention is clear.

2. The Returning Officer shall sort the ballot papers into piles for each candidate according to the first preference indicated thereon and shall then count the first preference votes.
3. The Returning Officer shall declare to be elected any candidate who secures a total of 50% plus one (1) of the formal votes cast and, if no candidate has secured such a vote, shall exclude the candidate who has secured the least number of first preference votes and distribute that candidate's second preference votes among the remaining candidates.
4. Should a ballot paper not contain further preferences marked, then such ballot paper shall be recorded as being exhausted.
5. The above procedure shall be continued until a candidate has secured 50% plus one (1) of the formal votes cast, and shall then declare that candidate to be elected.
6. If on any count, two or more candidates each receive the same number of votes, the Returning Officer shall decide by drawing lots to determine which candidate shall remain in the count.

(xxix)

*METHOD OF COUNTING
ELECTION OF MORE THAN ONE CANDIDATE*

1. The method of counting votes for the election of more than one candidate shall be by the multiple preferential voting system, and ballot papers must contain a preference marked for at least the number of candidates to be elected. The Returning Officer shall admit as formal any ballot paper whereby the voter's intention is clear.
2. The votes cast shall be classified into two categories as follows:-
 - (a) The preference votes to the number of vacancies to be filled shall be termed as "primary" votes and shall have equal value in the first count and be credited to the candidates for whom they are cast, according to the number of vacancies;
 - (b) The preference votes beyond those referred to in (a) shall be termed "secondary" votes and shall have rank according to their numerical order and shall be allocated in that order unless the ranking secondary vote has been previously allocated.
3. The "primary" votes shall be counted. The candidate who receives the least number of "primary" votes shall be excluded from the count.

4. Each ballot paper on which such excluded candidate received a "primary" vote shall be examined to determine its "secondary" vote and the preference found shall be allotted to the appropriate remaining candidate on the first count.
5. The exclusion of candidates shall continue until the required number of successful candidates can be determined.
6. If on any count, the next available preference vote is in favour of an excluded candidate then that preference vote shall be disregarded and the next available preference in favour of a remaining candidate shall be credited to that candidate.
7. Should a ballot paper not contain further preferences marked, then such ballot paper shall be recorded as being exhausted.
8. If on any count, two or more candidates each receive the same number of votes, the Returning Officer shall decided by drawing lots to determine which candidate shall remain in the count.

(xxx) *METHOD OF ELECTING COUNCILLORS TO COUNCIL*

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

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

Voting Instructions

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

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

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

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

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

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

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

The Quota

5. A 'quota' is to be calculated in accordance with the following formula:

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

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

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

Transfer Value

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

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

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

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

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

- (d) Calculate the progressive total for each continuing total and ensure that the grand total of all continuing totals agrees with the grand total of the first allocation of votes and of each progressive total.
8. The provisions of Rule 6 and 7 of Appendix A shall then be applied successively until all surpluses have been allocated. Those rules shall be applied to subsequent counts by allocating the surpluses of candidates in order of their elections, notwithstanding that a candidate subsequently elected may have been elected with a larger surplus than the candidate earlier elected.
 9. If a candidate receives an exact quota and no surplus, the candidate's papers shall be set aside and not used further in the election.
 10. When a candidate receives a surplus of points as a result of the preference distribution of another elected candidate, then only the last bundle of papers received producing the surplus is to be used to calculate the surplus to be distributed among the continuing candidates at the new transfer value and the earlier papers shall be set aside and not used further in the election.

Equal Points

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

Optional Deferment of Transfer of Surplus

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

Elimination of Defeated Candidates from Count

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

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

Completion of Count

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