

179V: Incorporates alterations of 20 December 2024 [R2024/179] and [R2024/182]  
(replaces rulebook dated 21 October 2024 [R2024/94])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 99 contain a true and correct copy of the registered rules of the Transport Workers' Union of Australia.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

**Rules of the  
Transport Workers’ Union of Australia**

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Note: This table of contents has been generated by the Fair Work Commission as an aid to using the rulebook, however it does not form part of the registered rules of the organisation. No reliance should be placed on the table of contents in interpreting the rules.

**RULES of the  
TRANSPORT WORKERS' UNION OF AUSTRALIA**

**PART 1 - NAME**

**1. Name**

The name of the Union is "Transport Workers' Union of Australia".

**PART 2 - OBJECTS**

**2. Objects**

- (1) The general objects of the Union are:
  - (a) to uphold the principle of the combination of labour;
  - (b) to promote, foster and maintain industrial organization of all workers; and
  - (c) to promote, foster and maintain the best industrial interests of all Members.
- (2) Without limiting sub-rule (1), the specific objects of the Union are:
  - (a) to secure for Members improved conditions of employment;
  - (b) to secure for Members preference in their employment;
  - (c) to obtain for Members a greater share of the product of their labour;
  - (d) to afford assistance in cases of industrial oppression;
  - (e) to seek to improve the status, training and educational qualifications of Members;
  - (f) to promote and encourage respect within the Union and amongst Members for the dignity and worth of the human person and in the equal rights of men and women;
  - (g) to promote and encourage the participation in the Union of all without distinction as to race, sex, language, or religion;
  - (h) to ensure Members are provided with a safe and healthy work environment;
  - (i) to assist Members in obtaining compensation for injuries sustained in the course of their employment;
  - (j) to assist in obtaining compensation for dependents of Members killed in the course of a Member's employment;
  - (k) to establish and maintain a superannuation fund for Members;
  - (l) to assist Members financially in cases of accident, sickness, death, distress or unemployment; and
  - (m) to provide services to assist Members to obtain their own homes.
- (3) The Union has all the powers of a body corporate.

## 5. Applications for Membership

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- (4) Without limiting sub-rule (3), the Union has power:
- (a) to establish Branches throughout the Commonwealth of Australia;
  - (b) to raise funds;
  - (c) to purchase, lease, mortgage, exchange, sell, and otherwise deal with any real or personal property;
  - (d) to provide appropriate terms and conditions of employment for paid Officers and employees of the Union;
  - (e) to amalgamate with any other trade union or organization;
  - (f) to affiliate with any peak body constituted of trade unions or organizations; and
  - (g) to assist financially and otherwise persons who have been endorsed by the Australian Labor Party to become members of the Commonwealth and State Parliaments.

### **3. Industry in Connection with which the Union is Registered**

- (1) The Industry in connection with which the Union is Registered is described in Annexure A.

## **PART 3 - MEMBERSHIP**

### **4. Conditions of Eligibility for Membership**

- (1) The Union consists of those persons described in Annexure B.

### **5. Applications for Membership**

- (1) An applicant for membership of the Union shall forward or cause to be forwarded to the Branch Secretary in the State or territory in which the person presently resides:
- (a) a completed Application Form as set out in Annexure C; or
  - (b) an application for membership by telephone; or
  - (c) an application for membership via the internet or email.
- (2) Notwithstanding anything contained in sub-rule (1):
- (a) a Branch may utilise an application form which contains a request for additional information to that which is requested in the Application Form set out in Annexure C; and
  - (b) no error, omission or want of form in connection with any application for membership shall invalidate membership.
- (3) A person who applies to become a Member must be informed in writing of:
- (a) the financial obligations arising from Membership; and
  - (b) the circumstances, and the manner, in which a Member may resign from the Union;
- by the Branch Secretary.

### **6. Admission**

- (1) Each application must be submitted to the Branch Committee of Management of the Branch in which the applicant is to be enrolled.
- (2) A person becomes a member immediately upon signing the Application.
- (3) The Branch Committee of Management may reject an application for admission to Membership, if in the opinion of that body the applicant is of general bad character.
- (4) In this rule "signing" means making an application in accordance with rule 5.

### **7. Campaign Fund Fee**

- (1) Members will pay a Campaign Fund Fee set by the National Committee of Management.
- (2) As of 1 January 2025, the Campaign Fund Fee is 15c plus GST per week.
- (3) The Campaign Fund Fee will form part of the Annual Fee.

### **8. Annual Fees**

- (1) As from 1 January 2025, the Annual Fee is \$762.30 plus \$76.23 GST totalling \$838.53.
- (1A) The National Committee of Management may prescribe an Alternate Annual Fee for particular classes of Union members from time to time.
- (2) The Annual Fee must be paid by Members to the Branch in which the Member is enrolled.
- (3) In the first calendar year of Membership, new Members must pay the Annual Fee in accordance with paragraph (a) or (b):
  - (a)
    - (i) If the Member joins the Union during the first 6 calendar months (i.e. 1 January - 30 June) - the full Annual Fee, within 14 days of applying for Membership.
    - (ii) If the Member joins the Union during the second 6 calendar months (i.e 1 June - 31 December) - half the Annual Fee, within 14 days of applying for Membership.
  - (b)
    - (i) A Branch Committee of management may resolve that new Members enrolled in the Branch may pay the Annual Fee in accordance with this paragraph, in which case new members will pay an amount as set by the Branch Committee of Management which will not be less than the Annual Fee, or equivalent outstanding annual amount, for the remainder of the calendar year in which the new member joins. The payment can be made each calendar week, 14 days after the Member applied for Membership.
    - (ii) Such an amount may be paid in full within 14 days of the member applying for Membership or by instalments, payroll deductions, direct debit or other method approved under sub-rule (6).
    - (iii) A resolution of the Branch Committee of Management under this sub-rule will continue to apply for the Annual Fee in each succeeding year unless rescinded.
  - (c) Any Member who:
    - (i) joined the Union prior to 1998, and

## 8. Annual Fees

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- (ii) in whose first calendar year of Membership paid an amount less than the full amount of the Annual Fee payable in that year, but equal to or greater than an amount that would have been payable if payment for that year in accordance with paragraph (b) had been approved by the relevant Branch Committee of Management and been available to a Member under the Rules,

will not be treated as unfinancial by reason of the payment made for that year.

- (4) Members who are in receipt of less than the adult wage fixed by an award or industrial agreement for the Industry in which the Member is Employed need pay only half the Annual Fee or half that part of the Annual Fee payable in accordance with sub-paragraph (3)(a)(ii) or paragraph (3)(b).
- (5) For Members not in their first calendar year of Membership, the Annual Fee must be paid either;
  - (a) in full by 31 January in each year; or
  - (b) by instalments, payroll deductions, direct debit or other method approved under sub-rule (6); or
  - (c) in the case of the South Australia/Northern Territory Branch - by half the Annual Fee being paid by 28 February, and the other half by 31 August.
- (6)
  - (a) A Branch Committee of Management may resolve that the Annual Fee paid by Members to the Branch in accordance with sub-rule (2) is to be paid by instalments, payroll deductions or any method appropriate to the Branch on such terms and conditions as the Branch Committee of Management considers appropriate.
  - (b) A resolution of the Branch Committee of Management under this sub-rule will continue to apply for the Annual Fee in each succeeding year unless rescinded.
- (7) Where:
  - (a) a Member is making payment of the Annual Fee in accordance with a method approved under sub-rule (6) for payroll deductions, direct debits or other means of payment where an authority for payment has been given by the Member, and
  - (b) the Member satisfies the requirement of sub-paragraph 92(1)(l)(ii),so long as the authority given remains in place,
  - (c) the Member will be deemed to be financial for a period of up to 3 months after the last payment under the authority was received.
- (8) If a Member pays the Annual Fee to National Council in accordance with rule 18 and sub-rule (2), the National Committee of Management may, in special circumstances, increase or decrease the Annual Fee.
- (9)
  - (a) A Financial Member may apply for a refund of the Annual Fee for the current year to the Branch Secretary by providing full details in writing of the reasons for the refund.
  - (b) No refund of the Annual Fee may be made to Members who were Eligible after 30 June of the current year.
  - (c) The Branch Committee of Management must determine the amount, if any, to be refunded to a Member who applies in accordance with paragraph (a).
  - (d) Unfinancial Members are not entitled to apply for a refund of the Annual Fee.



## 11. Resignation from Membership

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### 9. Honorary Members

- (1) National Council, the National Committee of Management or a Branch Committee of Management may grant honorary Membership to a person who has:
  - (a) been elected to parliamentary or local government office; or
  - (b) had 20 years good standing in the Union;but only if the person is not engaged in the Industry.
- (2) A person granted honorary Membership:
  - (a) must be presented with an honorary Membership certificate in the form set out in Annexure D;
  - (b) is not entitled to stand for election to any position in the Union; and
  - (c) has no standing or rights (including the right to vote) in any election or at any meeting of a body of the Union.

### 10. Unfinancial Members

- (1) Subject to any deeming provision to the contrary, a Member who fails to pay all Dues when due and payable under the Rules, becomes an Unfinancial Member.
- (2) An Unfinancial Member becomes a Financial Member immediately upon the relevant Branch receiving payment of all unpaid Dues into its bank account.
- (3) An Unfinancial Member has no benefits, privileges or rights whatsoever associated with Membership.

### 11. Resignation from Membership

- (1) A Member may resign from Membership by notice in writing addressed and delivered to the Branch Secretary of the Branch in which the Member is enrolled.
- (2) A notice of resignation from Membership takes effect:
  - (a) if the Member has ceased to be Eligible:
    - (i) on the day on which the notice is received by the Union;
    - (ii) on the day specified in the notice;whichever is later; or
  - (b) in any other case:
    - (i) at the end of 2 weeks after the notice is received by the Branch Secretary; or
    - (ii) on the day specified in the notice;whichever is later.
- (3) Any Dues payable but not paid by a former Member, in relation to a period before the Member's resignation from the Union took effect, may be sued for and recovered in accordance with rule 81 as a debt due to the Union.

### 13. Cessation of Membership

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- (4) A notice delivered in accordance with sub-rule (1) is deemed to have been received by the Union when it was delivered.
- (5) A notice of resignation that has been received by the Union is not invalid only because it was not addressed and delivered in accordance with sub-rule (1).
- (6) A resignation from Membership is valid, even if it is not effected in accordance with this rule, if the Member is informed in writing by the Union that the resignation has been accepted.

### 12. Transfers

- (1) If a Member changes residence, and wishes to transfer from one Branch to another, the Member must apply for a transfer in writing, stating the reasons for the transfer to the Branch Secretary of the Branch in which the Member is enrolled.
- (2) The Branch Secretary must on receipt of the application grant the transfer.
- (3) The Branch Secretary must send the Branch Secretary of the Branch to which the Member is being transferred a copy of the application for transfer and particulars of the Member's financial position with the Union.

### 13. Cessation of Membership

- (1) A Member who has:
  - (a) ceased to be Eligible; and
  - (b) paid all Dues currently owing to the Union;may, on application in writing, receive a Clearance Certificate.
- (2) A Member who:
  - (a) has ceased to be Eligible and accepted employment not described in Annexure B for a period of more than 3 continuous months; or
  - (b) has not paid any Dues for 18 months;may have their Membership cancelled by a resolution carried at a meeting of:
  - (c) National Council,
  - (d) the National Committee of Management, or
  - (e) the relevant Branch Committee of Management.
- (3) A Member whose Membership is cancelled pursuant to paragraph (2)(d) or (e) has a right of appeal to National Council against the cancellation.
- (4) The rules of natural justice apply at the appeal.
- (5) A decision of National Council in relation to the cancellation or otherwise of a Member's Membership is final.
- (6) Any Dues owed by a former Member in relation to a period before the cancellation of the Member's Membership took effect may be sued for in accordance with rule 79 as a debt owed to the Union.
- (7) A Member whose Membership has been cancelled must be advised in writing accordingly by the National Secretary or the Branch Secretary, as the case may be.

#### **14. Clearance Certificates**

Each Branch and National Council must keep Clearance Certificates in the forms set out in Annexure E for the purpose of transferring Members within the Union or to another Union.

#### **15. Register and Rolls**

- (1) The National Secretary must keep at the National Office of the Union a register recording the name and address of each Officer of the Union.
- (2) The Branch Secretary of each Branch must keep at the Branch Office a roll of the Membership, recording the Membership number, name, address and date of enrolment of each Member enrolled in that Branch.
- (3) The register and rolls referred to in sub-rules (1) and (2) must be available for inspection by the industrial registrar of the principal registry established under the Workplace Relations Act or any person appointed by the registrar.
- (4) The roll of the Membership referred to in sub-rule (2) must be made available to the National Secretary on request.

### **PART 4 - BRANCHES**

#### **16. Current Branches**

From 23 July 2021, the following are the Branches of the Union:

- (a) the NSW/Qld (Interim Governance) Branch
- (b) (intentionally blank)
- (c) the South Australian/Northern Territory Branch,
- (d) Victorian/Tasmanian Branch, and
- (e) the Western Australian Branch.

#### **17. Formation of Branches**

- (1) For the purpose of assisting National Council to control and manage the Union a Branch may be constituted in each State and Territory.
- (2) Each Branch consists of all Members for the time being residing within that State or Territory.
- (3) If 100 or more Members are residing in a State or Territory where no Branch is constituted, the National Committee of Management may call a meeting of those Members for the purpose of forming a Branch.
- (4) At a meeting referred to in sub-rule (3), the National Secretary or some other person appointed by the National Committee of Management must be present.
- (5) If the meeting referred to in sub-rule (3):
  - (a) has at least 35 Financial Members who reside in the State or Territory present;
  - (b) passes a resolution that a Branch be formed; and

## 20. Branches that Contravene the Rules or National Council

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- (c) elects:
  - (i) a Branch President,
  - (ii) a Branch Secretary,
  - (iii) 2 Branch Trustees, and
  - (iv) not less than 7 and not more than 11 members of a Branch Committee of Management;

the Branch is deemed to have been formed.

- (6) A Branch may be formed that combines more than one State or Territory.
- (7) Each Branch must be called the "Transport Workers' Union of Australia \_\_\_\_\_ Branch", the blank being filled with "Canberra", "New South Wales", "Queensland", "South Australian", "Tasmanian", "Victorian", "Western Australian" or "Northern Territory", or a combination of these, as the case requires.

### **18. Membership in State or Territory where Branch not Constituted**

If for any reason a Branch is not constituted in a State or Territory all matters relating to Membership in that State or Territory must be administered at a National level. In such cases any reference in part 3 or rule 86 to:

- (a) "Branch Secretary" is to be read as "National Secretary";
- (b) "Branch Committee of Management" is to be read as "National Committee of Management"; and
- (c) "Branch" is to be read as "National Council".

### **19. Mutual Support**

National Council and all Branches are pledged to, and must, loyally support each other, financially and otherwise, when required, subject to rule 20.

### **20. Branches that Contravene the Rules or National Council**

- (1) Any Branch that fails to comply with:
  - (a) any provision in the Rules, or
  - (b) any decision of National Council,ceases to be entitled to representation on National Council until:
  - (c) the provision in the Rules, or the decision of National Council is complied with; or
  - (d) a satisfactory explanation for the non-compliance has been accepted by a resolution of National Council.
- (2) The National Council may withhold assistance from any Branch that enters into an industrial dispute without having first obtained the permission of National Council.

**21. Branches that have not paid Sustentation Fees**

Any Branch that fails to pay National Council all Sustentation Fees and Levies due ceases to be entitled to representation on National Council and the National Committee of Management until all Sustentation Fees and Levies due are paid.

**22. Disbanding a Branch**

- (1) National Council has specific power to disband any Branch:
  - (a) which fails to comply with any provision of the Rules;
  - (b) which fails to comply with any decision of National Council;
  - (c) the Branch Committee of Management of which acts contrary to law;
  - (d) the Branch Committee of Management of which fails to carry out its obligations;
  - (e) which effectively ceases to function; or
  - (f) where the Branch Committee of Management of a Branch resolves to request National Council to disband the Branch and exercise its power under sub-rule 22(3) to attach Affected Members to an adjoining Branch nominated by the Branch Committee of Management.
- (2) If National Council acts in accordance with sub-rule (1), it must, subject to sub-rules (3) and (4), immediately act to form a Branch in the area of the disbanded Branch in accordance with rule 17, including:
  - (a) appointing temporary Officers to serve the industrial interests of the Affected Members;
  - (b) appointing a temporary Trustee or Trustees to manage all funds and property held by the disbanded Branch; and
  - (c) calling a meeting of the Affected Members.
- (3) If National Council acts in accordance with sub-rule (1), it may determine not to reconstitute the disbanded Branch, and to attach the Affected Members to another Branch, if it considers that this will:
  - (a) provide an appropriate means for the Affected Members to participate in the affairs of the Union; and
  - (b) promote the efficient management of the Union.
- (4) If National Council acts in accordance with sub-rule (3):
  - (a) the Affected Members become Members of the other Branch for the purposes of the Rules;
  - (b) the funds and property of the disbanded Branch must be transferred to the other Branch;
  - (c) National Council must temporarily increase the number of persons who are members of the Branch Committee of Management of the other Branch in accordance with paragraph 30(2)(f) until the next ordinary election in the other Branch in the following way:

## 22. Disbanding a Branch

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- (i) A number of additional members of the Branch Committee of Management under paragraph 30(2)(f) must be determined having regard to the relative number of Affected Members compared with the number of Members of the other Branch (even if this means the total number of such members of the Branch Committee of Management exceeds 11);
  - (ii) Pending an election for the additional members of the Branch Committee of Management, National Council may appoint temporary additional members of the Branch Committee of Management from the Affected Members, to act until the completion of an election;
  - (iii) To the extent possible, the additional members of the Branch Committee of Management must be elected by and from the Affected Members in accordance with rule 60; and
  - (iv) The additional members of the Branch Committee of Management hold office until the next ordinary election in the other Branch.
- (d) National Council may alter the name of the other Branch to include a description of the area of the disbanded Branch; and
- (e) National Council must temporarily increase the number of persons who are National Councillors of the other Branch until the next ordinary election in the other Branch in the following way:
- (i) A number of additional National Councillors must be determined having regard to the relative number of Affected Members compared with the number of Members of the other Branch;
  - (ii) Pending an election for an additional National Councillor or National Councillors, National Council may appoint one or more temporary additional National Councillors from the Affected Members, to act until the completion of an election;
  - (iii) To the extent possible, the additional National Councillor or National Councillors must be elected by and from the Affected Members in accordance with rule 60; and
  - (iv) The additional National Councillor or National Councillors hold office until the next ordinary election in the other Branch.
- (5) No action taken by National Council in accordance with sub-rule (1) affects the Membership rights of Affected Members.
- (6) In this rule, “Affected Members” means the group of Members who were enrolled in a Branch immediately before it was disbanded in accordance with sub-rule (1).

### **22A. Administration of a Branch**

- (1) National Council has specific power to place a Branch under administration for a period of up to twelve months:
- (a) which fails to comply with any provision of the Rules;
  - (b) which fails to comply with any decision of National Council;
  - (c) the Branch Committee of Management of which acts contrary to law;
  - (d) the Branch Committee of Management of which fails to carry out its obligations; or

23. Special Rule - New South Wales Branch

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- (2) If National Council acts in accordance with sub-rule (1),
- (a) National Council has control of all business of the Union within the State or Territory of the Affected Branch until the Affected Branch is released from administration;
  - (b) The powers given to the Branch Committee of Management of the Affected Branch under rule 31 are suspended until the Affected Branch is released from administration;
  - (c) Without limiting sub-rule (2)(a), National Council has all of the powers afforded to the Affected Branch under Rule 31 until the Affected Branch is released from administration;
  - (d) The powers given to the Affected Branch President, Vice President, Secretary and Assistant Secretary under Rules 35, 36, 37 and sub-rule 40(2) are suspended until the Affected Branch is released from administration;
  - (e) The National Council has all the powers given to the Affected Branch President, Vice President, Secretary and Assistant Secretary under Rules 35, 36, 37 and 40(2) until the Affected Branch is released from administration;
  - (f) The powers given to the Trustees of the Affected Branch under rule 38 are suspended until the Affected Branch is released from administration;
  - (g) The National Council has all the powers given to the Branch Trustees under Rule 38 until the Affected Branch is released from administration;
  - (h) If the NSW Branch is placed under administration, in addition to subrules 22A(a) to (f):
    - (i) the powers given to the Finance Committee under rule 15 of Annexure F are suspended until the Affected Branch is released from administration; and
    - (ii) The Finance Committee of National Council has the powers given to the Finance Committee under rule 15 of Annexure F until the Affected Branch is released from administration.
- (3) The National Council may exercise the powers afforded to it under sub-rules 22A(a), (c), (e), (g) and (h) in any manner it considers will be in the best interests of TWU members generally and in particular those Members of the Affected Branch.
- (4) In this rule, “Affected Branch” means a Branch placed under the administration of National Council in accordance with sub-rule (1).
- (5) No action taken by National Council in accordance with sub-rule (1) affects the Membership rights of Members of the Affected Branch.
- (6) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, and sub-rule 25(2)(b) or exercise its powers under rule 22.

**23. Special Rule - New South Wales Branch**

- (1) The provisions contained in Annexure F apply in respect of the New South Wales Branch of the Union (in this Rule called “the New South Wales Branch”).
- (2) Nothing contained in Annexure F affects the application of any other Rule to the New South Wales Branch and to:
- (a) the holders of offices within, and
  - (b) the Members of,

the New South Wales Branch, except in so far as the provisions of Annexure F are inconsistent with another Rule, in which case the provisions of Annexure F prevail to the extent of the inconsistency.

## **PART 5 - GOVERNING BODIES**

### **24. National Council**

- (1) National Council consists of:
  - (a) the National Secretary;
  - (b) the National Assistant Secretary;
  - (c) the Branch Secretary of each Branch;
  - (d) any additional National Councillors representing a Branch pursuant to sub-rule (2);
  - (e) the Canberra Sub Branch Secretary and the Gas Industry National Councillor elected in accordance with rule 90(f);
  - (f) any additional National Councillors representing a Branch pursuant to paragraph 22(4)(e);
  - (g) a National Councillor residing in the Northern Territory elected directly by members of the Branch to which the Northern Territory is attached;
  - (h) a National Councillor residing in Tasmania elected directly by members of the Branch to which Tasmania is attached; and
  - (i) a female National Councillor representing each Branch.
  - (j) a Pilots National Councillor representing members of the Union who are Pilots elected in accordance with Rule 59B.
- (2) In addition to its Branch Secretary and any additional National Councillors representing a Branch pursuant to sub-rule 22(4)(e), each Branch is entitled to representation on National Council based on its Effective Membership by the following number of National Councillors:
  - (a) from 3,001 Effective Members up to and including 6,000 Effective Members - 1 additional National Councillor;
  - (b) from 6,001 Effective Members up to and including 9,000 Effective Members - 2 additional National Councillors; and
  - (c) 9,001 Effective Members or more - 3 additional National Councillors.
- (3)
  - (a) To help ensure that the National Council is properly appraised of issues confronting females in the transport industry a committee will be established to provide input to National Council annually.
  - (b) The committee shall be comprised of one women from each Branch and one women from National Office.
  - (c) The committee will provide input into the policy-making process of National Council but will not hold voting rights at National Council.



### **25. National Council Powers**

- (1) The supreme control of the Union is vested in National Council.
- (2) Without limiting sub-rule (1), the powers and functions of National Council include:
  - (a) dealing with industrial matters in accordance with rule 68;
  - (b) disbanding Branches in accordance with rule 22;
  - (ba) placing Branches under administration in accordance with rule 22A;
  - (c) amending, interpreting, and administering the Rules;
  - (d) resolving matters submitted to it by Branches;
  - (da) making an agreement in accordance with Rule 88;
  - (e) submitting matters to a referendum of Members in accordance with rule 64;
  - (f) affiliating with any peak body constituted of trade unions or organizations;
  - (g) raising funds by any means, including through Annual Fees, Levies, and Fines of Members who reside in an area where no Branch is constituted;
  - (h) the expenditure of the funds of the Union for the purpose of purchasing, leasing, mortgaging, exchanging, selling, and otherwise dealing with any real or personal property;
  - (i) moving a motion of no confidence, in accordance with paragraph 44(3)(e), in a National Officer or member of the National Committee of Management who is found to have committed an Offence against the Union; and
  - (j) determining the location of the National Office of the Union in accordance with sub-rule 82(1).
  - (k) The National Committee of Management may, from time to time, set an alternate Annual Fee for particular classes of members of the Union having regard to matters the National Committee of Management considers relevant, including the average earnings of particular classes of members and circumstances affecting particular classes of members of the Union. The National Committee of Management will prescribe the class of members of the Union to whom any such Alternate Annual Fee applies.

### **26. Finance Committee of National Council**

The Finance Committee of National Council consists of:

- (a) the National President,
- (b) the National Secretary,
- (c) the National Assistant Secretary, and
- (d) the 3 National Trustees.

### **27. Finance Committee of National Council Powers**

The powers and functions of the Finance Committee of National Council are:

- (a) to scrutinize all accounts, including receipts and payments, since the last National Council meeting; and
- (b) to advise National Council and the National Committee of Management on all financial matters.

### **28. National Committee of Management**

The National Committee of Management consists of:

- (a) the National Secretary,
- (b) the National Assistant Secretary;
- (c) the National President,
- (d) the National Vice-President, and
- (e) each Branch Secretary, if not already a member by virtue of being elected to the position of National President or National Vice- President.

### **29. National Committee of Management Powers**

- (1) When National Council is not assembled, the National Committee of Management has all the powers of National Council, subject to sub-rule (3).
- (2) Without limiting sub-rule (1), the powers and functions of the National Committee of Management include:
  - (a) calling meetings of Members to form Branches in accordance with sub-rule 17(3);
  - (b) dealing with industrial matters in accordance with rule 68;
  - (c) resolving matters submitted to it by Branches;
  - (ca) making an agreement in accordance with Rule 88;
  - (d) determining the remuneration and other entitlements, including termination and severance payments, of Officers and employees of the Union employed at the National Office of the Union in accordance with applicable legislation and/or industrial instruments;
  - (e) charging a National Officer or member of the National Committee of Management with committing an Offence against the Union in accordance with sub-rule 44(1);
  - (f) determining the location of the National Office of the Union in accordance with sub-rule 82(1); and
  - (g) resolving that, where appropriate, concise financial reports be provided to Members in accordance with Schedule 1B of the Workplace Relations Act 1996 as amended from time to time.

- (3) The powers and functions of the National Committee of Management do not include:
  - (a) amending or interpreting the Rules, except for the purpose provided in sub-rule 85(5);
  - (b) overturning or altering any decision of National Council, or otherwise acting contrary to the expressed intention of National Council;
  - (c) dismissing or suspending from a position any person elected by the Membership or National Council; and
  - (d) electing or appointing any person to a position being an "office" within the meaning of the Workplace Relations Act.
- (4) National Council may overturn or alter any decision of the National Committee of Management at its next meeting after the decision was made (but only at that meeting).

### **30. Branch Committee of Management**

- (1) Each Branch must have a Branch Committee of Management.
- (2) The Branch Committee of Management consists of:
  - (a) the Branch President,
  - (b) the Branch Vice-President,
  - (c) the Branch Secretary,
  - (d) the Branch Assistant Secretary (if required),
  - (e) 2 Trustees, and
  - (f) not less than 7 and not more than 11 other members.
- (3) The other members referred to in paragraph (2)(f) must be elected by a ballot of the whole of the Members enrolled in the Branch who are eligible to vote in accordance with sub-rule 60(12).
- (4) In a Branch that elects an Industrial Research Officer, the Industrial Research Officer is an observer on the Branch Committee of Management, unless the Industrial Research Officer has otherwise been elected to the Branch Committee of Management.

### **31. Branch Committee of Management Powers**

- (1) The Branch Committee of Management has control of all business of the Union within the State or Territory of the Branch.
- (2) Without limiting sub-rule (1), the powers and functions of the Branch Committee of Management include:
  - (a) dealing with industrial matters in accordance with rule 69;
  - (b) raising funds, subject to the Rules;
  - (c) expending funds in connection with the business of the Branch;
  - (d) determining whether there is to be a Branch Assistant Secretary;
  - (e) determining the number of members of the Branch Committee of Management;

- (f) determining the number of Organizers required by the Branch at any time in accordance with sub-rule 39(1);
  - (g) determining whether Organizers are to be elected or appointed;
  - (h) determining the number and kind of Branch Officers in accordance with sub-rule 40(1);
  - (i) determining the remuneration and other entitlements, including termination and severance payments, of Officers and employees of the Union employed at the Branch in accordance with applicable legislation and/or industrial instruments;
  - (j) appointing and dismissing Members enrolled in the Branch to act as Commission Delegates;
  - (k) determining what commission or other agency fee is to be paid to Commission Delegates;
  - (l) cancelling the whole or any part of a Member's arrears of Dues;
  - (m) charging and suspending any Branch Officer, member of the Branch Committee of Management, or National Councillor representing it in relation to an Offence against the Union in accordance with sub- rule 45(1);
  - (n) submitting matters to a referendum of Members enrolled in the Branch in accordance with rule 65;
  - (o) determining the location of the Branch Office in accordance with sub-rule 82(2);
  - (p) passing resolutions for its own guidance; and
  - (q) resolving that, where appropriate, concise financial reports be provided to members in accordance with Schedule 1B of the Workplace Relations Act 1996 as amended from time to time.
- (3) All Officers and employees within the Branch are subject to the control and direction of the Branch Committee of Management as expressed through the Branch Secretary.
- (4) The Branch Committee of Management must not act contrary to any decision of National Council, or otherwise act contrary to the expressed intention of National Council.

## **PART 6 - OFFICERS**

### **32. National President and National Vice-President**

- (1) The powers and functions of the National President are:
- (a) to perform all functions of the National President described in the Rules;
  - (b) to preside at all meetings of National Council and the National Committee of Management;
  - (c) on confirmation of the minutes, to sign the minute book in the presence of the meeting; and
  - (d) to call a meeting of National Council in the event of the failure or inability of the National Secretary to call a meeting.

33. National Secretary

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- (2) The powers and functions of the National Vice-President are:
- (a) to perform all functions of the National Vice-President described in the Rules;
  - (b) to preside at meetings in the absence of the National President with full powers of the National President; and
  - (c) in the event of a casual vacancy occurring in the office of National President, to fill the office of National President until the next meeting of National Council.
- (3) In the event of both the National President and the National Vice- President being absent, National Council or the National Committee of Management, as the case may be, must elect a chairperson to preside whenever required.

**33. National Secretary**

- (1) The National Secretary is the chief executive officer of the Union.
- (2) The powers and functions of the National Secretary include:
- (a) performing all functions of the National Secretary described in the Rules;
  - (b) acting as directed by National Council or the National Committee of Management;
  - (c) summoning all meetings of National Council and the National Committee of Management, and giving notice of these meetings to all Branches;
  - (d) attending all meetings of National Council and the National Committee of Management;
  - (e) keeping minutes of all resolutions passed and other business transacted by National Council and the National Committee of Management;
  - (f) dealing with industrial matters in accordance with rule 68;
  - (g) answering and filing correspondence;
  - (h) issuing receipts for all money received by the National Secretary on behalf of National Council;
  - (i) depositing all money received in the Union's bank account within 5 working days;
  - (j) keeping a debit and credit account between National Council and each Branch;
  - (k) ensuring that the Union's auditor prepares a statement of income and expenditure and a statement of assets and liabilities of the Union for the preceding calendar year;
  - (l) sending to each Branch and National Councillor in March of each year the audited statement of income and expenditure together with the audited statement of assets and liabilities;
  - (m) supplying a statement of income and expenditure when directed by the National Committee of Management;
  - (n) reporting on any matter when directed by the National Committee of Management;
  - (o) procuring, as soon as available, copies of all awards and industrial agreements;
  - (p) sending to any Branch on request a copy of any award or industrial agreement kept in accordance with paragraph (o);

33A. National Assistant Secretary

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- (q) ensuring that, at all times, an appropriate number of persons are employed to assist in carrying out the work of the National Office of the Union;
  - (r) employing suitably qualified persons in the National Office of the Union to assist in carrying out the work of the Union;
  - (s) remunerating persons employed in the National Office of the Union in accordance with the relevant determination made by the National Committee of Management relating to employee remuneration and other entitlements;
  - (t) terminating the employment of any person employed in the National Office of the Union who, in the opinion of the National Secretary:
    - a. do not satisfactorily perform their duties; or
    - b. are found guilty of serious misconduct; or
    - c. have abandoned their employment; or
    - d. are employed in a role which is no longer required to be performed in carrying out the work of the Union.
  - (u) paying any termination or severance payments in accordance with the relevant determination made by the National Committee of Management relating to such payments; and
  - (v) reporting any decision made by the National Secretary to employ a person or terminate a person's employment to the National Committee of Management at its next meeting.
- (3) The National Secretary has authority to spend:
- a. Any amount necessary in respect of ordinary management expenses such as wages, or matters relating to Court or Commission proceedings, including transcripts, and
  - b. Any amount, within the budget, as approved by National Council or the National Committee of Management; and
  - c. Any amount, not within budget, as approved by National Council or the National Committee of Management; and
  - d. Any amount in accordance with the financial policies and procedures, as approved by National Council or the National Committee of Management.

**33A. National Assistant Secretary**

- (1) There shall be a National Assistant Secretary.
- (2) The function of the National Assistant Secretary is to assist the National Secretary.
- (3) The National Assistant Secretary must attend all meetings of National Council and the National Committee of Management.
- (4) The National Assistant Secretary is subject to the control and direction, in order of precedence, of:
  - (a) National Council and the National Committee of Management as expressed through the National Secretary; and
  - (b) The National Secretary.

- (5) (a) In the event of the death or substantial incapacity of the National Secretary, the National Committee of Management may authorise and empower the National Assistant Secretary to perform the functions of the National Secretary prescribed in rules 68, 71, sub-rules 73(9) and 75(7), and rule 79 for a period not exceeding 3 months, or until the casual vacancy is filled pursuant to Rule 62.
- (b) In the event that the National Secretary takes leave of absence, the National Committee of Management may authorise and empower the National Assistant Secretary to perform the functions referred to in paragraph (a) for a period not exceeding 3 months.
- (c) In the event that the National Secretary is temporarily absent from the National Office, the National Secretary may in writing authorise and empower the National Assistant Secretary to perform the functions prescribed in rules 68, 71, sub-rules 73(9) and rule 79 for a period not exceeding 4 weeks on any one occasion.
- (ca) The National Secretary may at any time in writing authorise and empower the National Assistant Secretary to perform the functions prescribed in r 75(7).
- (d) If the National Secretary exercises the powers in paragraph (c) or (ca) the National Secretary must send a copy of the relevant authorisation to all members of the National Committee of Management.
- (e) Notwithstanding anything else in this rule, in the event that the National Secretary is temporarily absent from the National Office, the National Secretary may authorise, orally or in writing, the National Assistant Secretary to perform the functions of the National Secretary prescribed in rule 71, *Authority to execute Documents*, provided that the National Committee of Management is subsequently notified of all instruments and documents executed by the National Assistant Secretary pursuant to this sub-rule.

### **34. National Trustees**

- (1) There must be 3 National Trustees.
- (2) The powers and functions of the National Trustees are:
- (a) to perform all functions of the National Trustees described in the Rules;
  - (b) to control all property of the Union, subject to the direction of National Council;
  - (c) to invest any accumulated funds of the Union in securities as National Council may direct;
  - (d) to be responsible for the safe custody of all documents, securities and accumulated funds of National Council deposited in accordance with sub-rule 84(1); and
  - (e) to act upon a resolution of the National Council as expressed through the National President or National Secretary.
- (3) National Trustees may be paid such remuneration as National Council from time to time determines.

### **35. Branch President**

- (1) Each Branch must have a Branch President.
- (2) The powers and functions of the Branch President are:
  - (a) to preside at all Branch meetings and Branch Committee of Management meetings; and
  - (b) to perform all functions of the Branch President described in the Rules.

### **36. Branch Vice-President**

- (1) Each Branch must have a Branch Vice-President.
- (2) The powers and functions of the Branch Vice-President are:
  - (a) to assist the Branch President to conduct all meetings;
  - (b) to preside at any meeting in the absence of the Branch President; and
  - (c) to perform all functions of the Branch Vice-President described in the Rules.

### **37. Branch Secretary**

- (1) Each Branch must have a Branch Secretary.
- (2) The Branch Secretary is the chief executive officer of the Branch.
- (3) The powers and functions of the Branch Secretary include:
  - (a) performing all functions of the Branch Secretary described in the Rules;
  - (b) acting as directed by the Branch Committee of Management;
  - (c) attending all meetings connected with the Branch as far as practicable;
  - (d) dealing with industrial matters in accordance with rule 69;
  - (e) answering and filing correspondence;
  - (f) issuing receipts for all money received by the Branch Secretary;
  - (g) depositing all money received in the Branch's bank account at least weekly;
  - (h) keeping all documents, books and accounts relating to the business of the Branch;
  - (i) issuing notices to Members who are in arrears with their Dues;
  - (j) being custodian of the moveable property of the Branch;
  - (k) being in charge of the management of the Branch Office;
  - (l) being in charge of those employees who work in the Branch Office;
  - (m) ensuring that, at all times, an appropriate number of persons are employed to assist in carrying out the work of the Branch;
  - (n) employing suitably qualified persons at the Branch to assist in carrying out the work of the Branch;



- (o) remunerating persons employed in the Branch in accordance with the relevant determination made by the Branch Committee of Management relating to remuneration and other entitlements;
  - (p) terminating the employment of any persons employed at the Branch who, in the opinion of the Branch Secretary:
    - a. do not satisfactorily perform their duties; or
    - b. are found guilty of serious misconduct; or
    - c. have abandoned their employment; or
    - d. are employed in a role which is no longer required to be performed in carrying out the work of the Union.
  - (q) paying any termination or severance payments in accordance with the relevant determination made by the Branch Committee of Management relating to such payments; and
  - (r) reporting any decision made by the Branch Secretary to employ a person or terminate a person's employment to the Branch Committee of Management at its next meeting.
- (4) The Branch Secretary must provide to the Branch auditor all property, books, documents and money belonging to the Branch within 24 hours of being requested to do so by the Branch Committee of Management.
- (5) (a) In the event that the Branch Secretary is temporarily absent from the Branch Office, the Branch Secretary may in writing authorise and empower an elected Officer of the Branch who is eligible under rule 57 to perform all the functions and powers of the office of Branch Secretary for a period not exceeding 8 weeks on any one occasion.
- (b) The Branch Secretary must send a copy of the authorisation referred to in paragraph (a) to all members of the Branch Committee of Management.
- (c) During the period of temporary absence of the Branch Secretary referred to in paragraph (a), the Branch President must countersign cheques and co-authorise payments by Electronic Funds Transfer in place of the Branch Secretary pursuant to paragraph 75(7)(c) provided that in branches that have determined to have a Branch Assistant Secretary in accordance with rule 40(2)(a), the Branch Assistant Secretary must countersign cheques and co-authorise payments by Electronic Funds Transfer in place of the Branch Secretary pursuant to paragraph 75(7)(c)(i).

### **38. Branch Trustees**

- (1) Each Branch must have at least 2 Branch Trustees.
- (2) The powers and functions of the Branch Trustees are:
  - (a) to perform all functions of the Branch Trustees described in the Rules;
  - (b) to control all property of the Union, subject to the direction of the Branch Committee of Management;
  - (c) to invest any accumulated funds of the Union in securities as the Branch Committee of Management may direct;

40. Branch Officers

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- (d) to be responsible for the safe custody of all documents, securities and accumulated funds of the Branch deposited in accordance with sub-rule 84(2); and
- (e) to act upon a resolution of the Branch Committee of Management as expressed through the Branch President or Branch Secretary.

**39. Branch Organizers**

- (1) Each Branch must have a number of Branch Organizers to be determined by the Branch Secretary.
- (2) The powers and functions of the Branch Organizers are:
  - (a) to assist in the work of the Branch generally;
  - (b) to collect Dues; and
  - (b) to discharge duties allocated to them by the Branch Secretary.

**40. Branch Officers**

- (1) Each Branch may have 1 or more of the Branch Officers referred to in sub-rule (2) as determined by the Branch Committee of Management.
- (2) The powers and functions of the various Branch Officers are:
  - (a) Branch Assistant Secretary:
    - (i) to assist the Branch Secretary;
    - (ii) when the Branch Secretary is absent, to perform the duties of Branch Secretary; and
    - (iii) at all times, to act subject to the control and direction, in order of precedence, of:
      - (A) the Branch Committee of Management as expressed through the Branch Secretary; and
      - (B) the Branch Secretary;
  - (b) Branch Industrial Research Officer:
    - (i) to carry out industrial research work as directed by the Branch Committee of Management or the Branch Secretary; and
  - (c) Commission Delegates:
    - (i) at all times, to act subject to the control and direction of the Branch Committee of Management as expressed through the Branch Secretary; and
    - (ii) to collect Dues from Members Employed in the area for which the Commission Delegate has been appointed.

#### **41. Resignation from National Positions**

- (1) Any National Officer or member of the National Committee of Management (except the National President) who intends to resign from office must:
  - (a) give 1 month's notice in writing to the National President of intention to resign; and
  - (b) ensure that a copy of the notice referred to in paragraph (a) is given to each member of National Council within 1 week of having been given to the National President.
- (2) The National President, if intending to resign from office, must:
  - (a) give 1 month's notice in writing to the National Secretary of intention to resign; and
  - (b) ensure that a copy of the notice referred to in paragraph (a) is given to each member of National Council within 1 week of having been given to the National Secretary.

#### **42. Resignation from Branch Positions**

- (1) Any person holding a position in a Branch (except the Branch President) who intends to resign from office must give 1 month's notice in writing to the relevant Branch President of intention to resign.
- (2) The Branch President, if intending to resign from office, must give 1 month's notice in writing to the relevant Branch Secretary of intention to resign.

#### **43. Offences against the Union**

A person holding any position whatsoever within the Union commits an Offence against the Union if that person is guilty of:

- (a) misappropriation of the funds of the Union;
- (b) a substantial breach of the Rules;
- (c) gross misbehaviour; or
- (d) gross neglect of duty.

#### **44. Removal from National Positions**

- (1) The National Committee of Management may charge a National Officer or member of the National Committee of Management with committing an Offence against the Union.
- (2) If a person is charged in accordance with sub-rule (1), either:
  - (a) a special meeting of National Council must be called; or
  - (b) National Councillors must be notified that the charges will be heard at an ordinary meeting of National Council.
- (3)
  - (a) A National Council meeting referred to in sub-rule (2) must consider the actions of the person charged.
  - (b) The rules of natural justice apply at the meeting.
  - (c) Without limiting paragraph (b), the person charged must be allowed to present a defence against the charges.

#### 45. Removal from Branch Positions

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- (d) In considering whether to uphold the charges, National Council must consider whether it would be beneficial to the Union to remove the person from the position.
  - (e) If National Council upholds the charges, it may then carry a motion of no confidence in the person charged, if two-thirds of the National Councillors present and voting vote in favour of the motion.
- (4) If a motion of no confidence is carried in accordance with sub-rule (3), the National President (or the National Vice-President, if the National President is being charged) must declare vacant the position held by the person charged.
  - (5) Subject to this rule, the provisions of rules 61 or 62, as the case may be, apply, in so far as they are applicable, to filling a position declared vacant in accordance with sub-rule (4).
  - (6) This rule does not alter the ordinary powers of National Council or the National Committee of Management to lawfully terminate the contract of employment of a non-elected Officer.

#### **45. Removal from Branch Positions**

- (1) A Branch Committee of Management may suspend any person holding a position in the Branch (including a National Councillor representing it) if it charges the person with committing an Offence against the Union.
- (2) If a person is suspended in accordance with sub-rule (1), a special general meeting of the Members enrolled in the Branch must be called.
- (3) If at least 5% of the Financial Members enrolled in the Branch as at the 31 December in the previous year sign a petition, which:
  - (a) makes specific charges against the Branch Committee of Management as a whole, or any member of the Branch Committee of Management; and
  - (b) sets out within it sub-rule 90(3);

then the Branch President or Branch Secretary must call a special general meeting of the Members enrolled in the Branch.

- (4)
  - (a) A special general meeting held in accordance with sub-rules (2) or (3) must consider the actions of the person or persons charged.
  - (b) The rules of natural justice apply at the special general meeting.
  - (c) Without limiting paragraph (b), the person or persons charged must be allowed to present a defence against the charges.
  - (d) In considering whether to uphold the charges, the special general meeting must consider whether it would be beneficial to the Union to remove the person or persons from the position or positions.
  - (e) If the special general meeting upholds the charges, it may then carry a motion of no confidence in the person or persons charged, if two-thirds of the Financial Members present and voting vote in favour of the motion.
- (5) If a motion of no confidence is carried in accordance with sub-rule (4), the chairperson of the special general meeting must declare vacant the position or positions held by the person or persons charged.
- (6) Subject to this rule, the provisions of rule 63, apply, in so far as they are applicable, to filling the position or positions declared vacant in accordance with sub-rule (5).

- (7) Positions declared vacant in accordance with sub-rule (5) must be filled within 8 weeks.
- (8) Where the provisions of rule 63 require an election for the position or positions declared vacant in accordance with sub-rule (5), only Financial Members on the day the position is or positions are declared vacant are eligible to vote in the election.
- (9) This rule does not alter the ordinary powers of the Branch Committee of Management to lawfully terminate the contract of employment of a non-elected Officer.

## **PART 7 - MEETINGS**

### **46. National Council Meetings**

- (1) Ordinary meetings of National Council must be held annually at a time and place to be determined by National Council.
- (2) Upon a request in writing by:
  - (a) a majority of National Councillors, or
  - (b) 2 or more Branch Committees of Management,the National President or National Secretary must call a special meeting of National Council.
- (3) A request made in accordance with sub-rule (2) must specify the business of the proposed special meeting of National Council, and National Council may only deal with that business at the special meeting.
- (4)
  - (a) The National President or National Secretary may call a special meeting of National Council to deal with urgent business.
  - (b) The notice of a special meeting in accordance with paragraph (a) must specify the urgent business to be dealt with by the special meeting of National Council, and National Council may only deal with the specified urgent business.
- (5) Meetings of National Council may be conducted by telephone, video or any other method that allows all National Councillors present at the meeting to communicate clearly and simultaneously with each other, even if not physically present in the same place.

### **47. National Committee of Management Meetings**

- (1) Ordinary meetings of the National Committee of Management must be held regularly at a time and place to be determined by the National Committee of Management.
- (2) The National Secretary must call an ordinary meeting of the National Committee of Management within 6 months of the conclusion of the annual ordinary meeting of National Council.
- (3) Upon a request in writing by a majority of the members of the National Committee of Management, the National President or National Secretary must call a special meeting of the National Committee of Management.
- (4) A request made in accordance with sub-rule (3) must specify the business of the proposed special meeting of the National Committee of Management, and the National Committee of Management may only deal with that business at the special meeting.

48. Branch Committee of Management Meetings

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- (5) (a) The National President or National Secretary may call a special meeting of the National Committee of Management to deal with urgent business.
- (b) The notice of a special meeting in accordance with paragraph (a) must specify the urgent business to be dealt with by the special meeting of the National Committee of Management, and the National Committee of Management may only deal with the specified urgent business.
- (6) Meetings of the National Committee of Management may be conducted by telephone, video or any other method that allows all members of the National Committee of Management present at the meeting to communicate clearly and simultaneously with each other, even if not physically present in the same place.

**48. Branch Committee of Management Meetings**

- (1) Ordinary meetings of each Branch Committee of Management must be held regularly at least every 6 months at a time and place to be determined by each Branch Committee of Management.
- (2) The Branch Secretary must call a meeting of the Branch Committee of Management within 14 days after the result of each ordinary election in the Branch being declared.
- (3) If:
- (a) the Branch President and Branch Secretary agree that a meeting is desirable; or
- (b) a request in writing is made by a majority of the members of the Branch Committee of Management;
- the Branch President or Branch Secretary must call a special meeting of the Branch Committee of Management.
- (4) A request made in accordance with paragraph (3)(b) must specify the business of the proposed special meeting of the Branch Committee of Management, and the Branch Committee of Management may deal with only that business at the special meeting.
- (5) (a) The Branch President or Branch Secretary may call a special meeting of the Branch Committee of Management to deal with urgent business.
- (b) The notice of a special meeting in accordance with paragraph (a) must specify the urgent business to be dealt with by the special meeting of the Branch Committee of Management, and the Branch Committee of Management may only deal with the specified urgent business.
- (6) Meetings of the Branch Committee of Management may be conducted by telephone, video or any other method that allows all members of the Branch Committee of Management present at the meeting to communicate clearly and simultaneously with each other, even if not physically present in the same place.
- (7) The National Secretary may attend any Branch Committee of Management meeting, but has no rights at the meeting.

**49. General Meetings of Members**

The following provisions apply to general meetings of Members enrolled in a Branch:

- (a) Ordinary general meetings of Members enrolled in a Branch must be held at least every year at a time and place to be determined by the Branch Committee of Management;
  - (b) Upon a request in writing by a majority of the members of a Branch Committee of Management, the Branch President or Branch Secretary must call a special general meeting of Members enrolled in the Branch;
  - (c) A special general meeting of Members enrolled in a Branch may be called at any time by the Branch President or Branch Secretary;
  - (d) A special general meeting of Members enrolled in a Branch must be called by advertisement in a daily newspaper circulating in the area of the Branch; and
  - (e) No Member has any rights at a general meeting of Members enrolled in a Branch unless the Member is enrolled in that Branch.
- (2)
- (a) In the event that 5% or more of Members in a Branch write to the Branch Secretary to request a general meeting to consider the auditor's report the general purpose financial report and the operating report the Branch Secretary shall arrange such a meeting within 28 days of receiving the written request;
  - (b) A general meeting of the members called pursuant to this sub-rule may be conducted as a series of meetings held at different locations;
  - (c) The general meeting shall be called by advertisement in a daily newspaper circulating in the area of the Branch;
  - (d) A meeting conducted pursuant to this rule is taken to have been completed at the time of the last of the meetings in any series of meetings;
  - (e) That the ordinary rules applying to meetings as specified in these rules be abided.
- (3)
- (a) In the event that 5% or more of Members in the Union write to the National Secretary to request a general meeting to consider the auditor's report the general purpose financial report and the operating report the National Secretary shall arrange such a meeting within 28 days of receiving the written request;
  - (b) A general meeting of the members called pursuant to this sub-rule may be conducted as a series of meetings held at different locations;
  - (c) The general meeting shall be called by advertisement in daily newspapers across the area of the Union;
  - (d) A meeting conducted pursuant to this rule is taken to have been completed at the time of the last of the meetings in any series of meetings;
  - (e) That the ordinary rules applying to meetings as specified in these rules be abided.

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**50. Quorum**

- (1) (a) At meetings of National Council, quorum is established if:
  - (i) 11 National Councillors are present; and
  - (ii) enough National Councillors who are National Councillors in accordance with sub-rule 24(2) are present such that a majority of Effective Members are represented in accordance with paragraph (b).
- (b) For the purpose of sub-paragraph (a)(ii), each National Councillor who is a National Councillor in accordance with sub-rule 24(2) is deemed to represent the number of Effective Members of the Branch from which that Councillor was elected divided by the number of National Councillors who are National Councillors in accordance with sub-rule 24(2) that were elected from that Branch.
- (2) At meetings of the National Committee of Management, 4 members of the National Committee of Management form a quorum.
- (3) At meetings of a Branch Committee of Management 8 members of the Branch Committee of Management form a quorum.
- (4) (a) Subject to sub-rules (5) and (6), at the general meetings of members. 35 Members are required to form a quorum.
- (b) Only Financial Members may be counted for the purposes of quorum at general meetings of Members.
- (5) Where a special general meeting of Members has been called by petition in accordance with sub-rule 45(3), quorum is established if:
  - (a) each Member who signed the petition is present; and
  - (b) the number of Members present is more than half of the Members enrolled in the Branch.
- (6) Subject to sub-rules (7) and (8), quorum must be maintained throughout any meeting, otherwise the meeting ends.
- (7) Quorum must be maintained throughout any meetings of National Council or the National Committee of Management, otherwise the meeting must adjourn and may not continue until a quorum is present.
- (8) If a special general meeting of Members has been called by petition in accordance with sub-rule 45(3), quorum must be maintained throughout the meeting, otherwise the meeting ends, and no further special general meeting of Members may be convened in respect of the same subject matter.
- (9) If a quorum is not present at any meeting within 15 minutes of the scheduled commencing time, the meeting lapses.

**51. Business at Meetings**

- (1) The order of business at ordinary meetings of National Council, unless otherwise determined by a resolution of the meeting, is:
  - (a) National Councillors' credentials,
  - (b) official opening,
  - (c) National President's address,



- (d) confirmation of the previous minutes and the signing by the National President of the minute book in the presence of the meeting,
  - (e) nominations for positions vacant or becoming vacant in accordance with the Rules,
  - (f) statement of income and expenditure, auditor's report, and the annual appointment of the auditor,
  - (g) National Secretary's report,
  - (h) Branch reports,
  - (i) determination of agenda items,
  - (j) other business (arising only by correspondence from Branches),
  - (k) passing of the accounts,
  - (l) election of positions for which nominations were received in accordance with paragraph (e), and
  - (m) determination of the date and venue of the next ordinary meeting of National Council.
- (2) The order of business at ordinary meetings of bodies in the Union other than National Council, unless otherwise determined by a resolution of the meeting, is:
- (a) confirmation of the minutes,
  - (b) business arising out of the minutes,
  - (c) correspondence,
  - (d) reports,
  - (e) motions on notice,
  - (f) other business,
  - (g) passing of the accounts, and
  - (h) determination of the date and venue of the next ordinary meeting.
- (3) (a) Items may be placed on the agenda of ordinary meetings of National Council or the National Committee of Management by:
- (i) a Branch,
  - (ii) a National Councillor, or
  - (iii) the National Secretary.
- (b) Items for the agenda of ordinary meetings of National Council must be given to the National Secretary at least 8 weeks before the opening day of the meeting at which the items are to be considered.

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**52. Rules of Debate**

The rules of debate at meetings are as follows:

- (a) The first person who attracts the attention of the chairperson has precedence in speaking;
- (b) Persons speaking at the meeting must address the chairperson;
- (c) No debate may take place on any motion or amendment unless the motion or amendment has been moved;
- (d) When a motion or amendment is moved, the mover must speak to the motion or amendment;
- (e) A motion or amendment may not be further debated until it is seconded;
- (f) The seconder of a motion or amendment may only speak at the time the seconder seconds the motion or amendment;
- (g) When a motion or amendment has been moved and seconded, the chairperson must immediately proceed to a vote on the motion or amendment, unless a person opposes it, or moves an amendment;
- (h) Any number of amendments may be moved and discussed simultaneously with the motion;
- (i) No amendment is in order unless it is moved before the mover of the motion has replied in accordance with paragraph (n);
- (j) If an amendment to a motion is carried, the motion as amended becomes the motion;
- (k) No more than 2 persons may speak in succession for or against;
- (l) No person may speak more than once to the same motion or amendment, except:
  - (i) the mover of a motion when exercising the right of reply in accordance with paragraph (n); or
  - (ii) as allowed by the chairperson;
- (m) If, at the conclusion of a speaker's remarks, no person wishes to speak, the mover may exercise the right of reply in accordance with paragraph (n);
- (n) The mover of a motion (but not of an amendment) has a right of reply, after which the motion must immediately be put to the vote;
- (o) The mover of a motion is allowed 10 minutes for speaking in support of the motion;
- (p) Subsequent speakers (including the movers of, and speakers to, amendments) are allowed 5 minutes for speaking;
- (q) The mover of a motion is allowed 5 minutes for speaking in reply;
- (r) The times set in paragraphs (o), (p), and (q) may be extended by a resolution of the meeting;
- (s) In no case may the time for debate of any matter exceed 60 minutes including extensions, unless a resolution of the meeting to extend debate is carried by two-thirds of those present and voting;
- (t) At any time during a debate a person who has not already spoken may move without speaking to the motion: "That the question be now put";

- (u) If a motion moved in accordance with paragraph (t) is seconded, it must be put to a vote without debate;
- (v) If a motion moved in accordance with paragraph (t) is carried, the mover of the motion that was under discussion must immediately speak in reply, and then that motion must be put to the vote;
- (w) The chairperson may speak only on motions in which the interests of the Branch or the position that person represents are directly involved;
- (x) If the chairperson wishes to speak on motions except as described in paragraph (w), the chairperson must vacate the chair;
- (y) Points of order must be decided by the chairperson, whose ruling is final, unless it is challenged by a motion of dissent in the chairperson's ruling in accordance with paragraph (dd);
- (z) The chairperson must preserve order in the meeting;
- (aa) The chairperson may Fine up to \$50 any person who, after being warned by the chairperson, persists in disorderly conduct;
- (bb) A Fine imposed in accordance with paragraph (aa) must be confirmed in writing, and the person Fined has the right to appeal to the next meeting;
- (cc) The chairperson may order the removal from the meeting room of any person who persists in disorderly conduct;
- (dd) A person dissatisfied with the ruling of the chairperson may move: "That the chairperson's ruling be dissented from";
- (ee) A motion moved in accordance with paragraph (dd) does not require a seconder;
- (ff) If a motion is moved in accordance with paragraph (dd), the chairperson must vacate the chair and the vice-chairperson must assume the chair;
- (gg) Only the mover of a motion moved in accordance with paragraph (dd) (who may only speak once) and the chairperson may speak in the debate on the motion;
- (hh) A motion moved in accordance with paragraph (dd) must be put to a vote by the vice-chairperson after the mover and the chairperson have had the opportunity to speak;
- (ii) The vice-chairperson may not give a ruling on the question involved in the chairperson's ruling;
- (jj) A motion for the adjournment of any business or of the meeting may be proposed without discussion at any time during the meeting, and must at once be put to the meeting by the chairperson without the need for a seconder;
- (kk) If a motion moved in accordance with paragraph (jj) is carried, an adjournment must follow;
- (ll) General meetings of Members must be scheduled to commence not later than 8.00 p.m.;
- (mm) General meetings of Members must end within 2 hours of the scheduled commencing time, unless otherwise determined by a resolution of the meeting only for the purpose of concluding the business under debate; and
- (nn) General meetings of Members must not continue, under any circumstances, beyond 2½ hours after the scheduled commencing time.

### 53. Voting

- (1) In meetings and ballots of National Council votes must be allocated in the following way:
  - (a) The National Secretary is entitled to 1 vote;
  - (b) The National Assistant Secretary is entitled to 1 vote;
  - (c) Each Branch is entitled to at least 1 vote;
  - (d) If the number of Effective Members of a Branch exceeds 1,000, the Branch is entitled to 1 additional vote for each additional 1,000 Effective Members or part thereof;
  - (e) Subject to paragraph (e), the total number of votes to which a Branch is entitled must be allocated equally amongst the National Councillors representing the Branch (including the Branch Secretary) who are present at the meeting or who have indicated to the National President that they intend voting in the ballot;
  - (f) If the votes cannot be allocated equally in accordance with paragraph (d), the remaining vote or votes must be distributed first to the Branch Secretary and then in the order the National Councillors were elected;
  - (g) A National Councillor elected pursuant to Rule 24(1)(f), Rule 24(1)(g) or Rule 24(1)(h) is entitled to one vote; and
  - (h) The Canberra Sub-Branch Secretary and the Gas Industry National Councillor elected in accordance with Rule 90(f) and provided for in Rule 24(1)(e) shall be entitled to one vote.
  - (i) The Pilot National Councillor elected in accordance with Rule 59B and provided for in Rule 24(1)(j) shall be entitled to one vote.
- (2) In meetings and ballots of the National Committee of Management votes must be allocated in the following way:
  - (a) Subject to paragraph (b), each member of the National Committee of Management is entitled to 1 vote;
  - (b) If any member of the National Committee of Management requests that voting on a particular motion be conducted in accordance with this paragraph then votes must be allocated in the following way when that motion is put to a vote:
    - (i) The National Secretary is entitled to 1 vote;
    - (ii) The National President and National Vice-President are entitled to 1 vote each (unless either of them is a Branch Secretary, in which case their entitlement to votes is determined by sub-paragraph (iii)); and
    - (iii) Each Branch Secretary is entitled to the total number of votes to which that Branch is entitled at meetings and ballots of National Council.
- (3) If a vote of the National Committee of Management is conducted in accordance with paragraph (2)(b):
  - (a) the name of the member of the National Committee of Management who requested that the vote be conducted in accordance with paragraph (2)(b);
  - (b) the way in which each member of the National Committee of Management votes; and

#### 54. Decisions by Postal Ballot

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- (c) the result of the vote;  
must be recorded in the minutes.
- (4) If a Branch Secretary is unable to be present at a meeting of the National Committee of Management, the Branch Secretary may in writing to the National Secretary authorise an elected Officer of the Branch who is Eligible to be a proxy.
- (5) In meetings and ballots of bodies within the Union other than National Council or the National Committee of Management, each member of the body is entitled to 1 vote.
- (6) Unless otherwise provided in the Rules, motions and amendments at all meetings are decided by a simple majority vote.
- (7) In the event of a vote being equal, the motion or amendment is deemed to be lost.
- (8) The chairperson at all meetings has the same voting rights as if an ordinary member.
- (9) Other than at meetings of National Council and the National Committee of Management, the result of a vote at all meetings must be determined by the chairperson on a show of hands, unless at least one-third of the members of the body request immediately that the votes be counted.
- (10) If an election is conducted at any meeting to fill any position for which the method of election is not otherwise provided in the Rules:
  - (a) The election must be conducted under the "first past the post" voting system; and
  - (b) The chairperson must appoint a returning officer to conduct the election.

#### **54. Decisions by Postal Ballot**

- (1) When National Council is not in session or when it is impractical to convene a meeting of the National Committee of Management or Branch Committee of Management a decision of each of these bodies may be made by postal ballot on any matter other than alteration of the Rules.
- (2) A postal ballot must be conducted in accordance with sub-rules (3), (4), (5), (6), and (8):
  - (a) in the cases of National Council and the National Committee of Management - by the National Secretary; and
  - (b) in the case of the Branch Committee of Management - by the Branch Secretary.
- (3) A ballot paper must be sent by certified mail to each member of the bodies referred to in sub-rule (1).
- (4) The ballot paper must:
  - (a) clearly state the motion; and
  - (b) provide spaces for members of the bodies referred to in sub-rule (1) to vote for or against the motion or record a formal abstention from voting on the motion.
- (5) Votes must be returned to the person conducting the postal ballot within 14 days of the day on which the ballot papers were sent.
- (6) The person conducting the ballot must count the votes and declare a result.
- (7) The decision of a body referred to in sub-rule (1) becomes effective when the result of the postal ballot has been declared in accordance with sub-rule (6).

- (8) A decision taken in accordance with this rule must be reported to the next meeting of a body referred to in sub-rule (1), and the way in which each member of a body referred to in sub-rule (1) voted, together with the result of the vote must be recorded in the minutes of that meeting.

### **55. Rescissions and Recommittals**

- (1) A decision at a meeting of National Council may not be reviewed at the same meeting unless a majority of National Councillors by resolution agree to review the decision before the end of the next session after the session at which the decision was made.
- (2) Subject to rule 85, any decision of National Council, the National Committee of Management, or a Branch Committee of Management may be altered or rescinded by a subsequent decision made at a different meeting or through a postal ballot.
- (3) If it is intended to alter or rescind a decision in accordance with sub-rule (2):
- (a) this intention must be recorded at a meeting of the relevant body referred to in sub-rule (2) before the meeting at which any alteration or rescission occurs; and
  - (b) every member of the relevant body referred to in sub-rule (2) must be notified of the proposed alteration or rescission.

### **56. Unauthorised Meetings**

It is a breach of the Rules for Members to assemble for the purpose of transacting Union business at meetings other than those convened in accordance with the Rules.

## **PART 8 - ELECTIONS AND REFERENDUMS**

### **57. Eligibility to Nominate for and Hold Office**

- (1) A person is only eligible to nominate for or hold a position in the Union if, at the time that nominations for election to the position open and at all times while holding the position, that person is:
- (a) a Financial Member, and
  - (b)
    - (i) either Employed or engaged or seeking to be Employed or engaged in work which would make that person Eligible; or
    - (ii) a person holding a position as:
      - (A) the National Secretary,
      - (B) the National Assistant Secretary,
      - (C) a Branch Secretary or Gas Industry Sub-Branch Secretary,
      - (D) a Branch Assistant Secretary,
      - (E) a Branch Industrial Research Officer, or
      - (F) an Organizer (whether elected or appointed).
- (1A) In addition to subrule (1), a person is only eligible to nominate for, hold or retain a position in the Union (other than a position identified in subrule (2) and 2(A)), if that person has been a Financial Member continuously for the previous 3 months.

- (1B) In addition to sub rule (1) and (1A), if a person is from a class of members of the Union to whom an Alternate Annual Fee applies, the person is only eligible to nominate for, hold or retain a position in the Union, (other than a position identified in sub rule (2) or a Pilot National Councillor) if that person has paid the whole of the Annual Fee continuously for the previous 3 months.
- (2) In addition to sub-rule (1), a person is only eligible to nominate for, hold or retain the position of:
- (a) the National President,
  - (b) the National Vice-President,
  - (c) the National Secretary,
  - (d) a Branch President,
  - (e) a Branch Secretary,
  - (f) a Branch Industrial Research Officer, or
  - (g) an Organizer (whether elected or appointed),
- if that person has been a Financial Member continuously for the previous 3 years.
- (2A) In addition to subrules (1) and (2), a person is only eligible to nominate for, hold or retain the position of a Branch Assistant Secretary if that person has been a Financial Member continuously for the previous 12 months. In addition to sub rule (2), if a person is from a class of members of the Union to whom an Alternate Annual Fee applies, the person is only eligible to nominate for, hold or retain the positions in sub rule (2) if they have paid the whole of the Annual Fee continuously for the previous 3 years.
- (2B) Subject to sub-rule (2C), for the purpose of subrules (1), (2) and 2A, a person will not be a continuous Financial Member for the requisite time unless all Dues were paid at the time they became due and payable. For clarity, this means that a person will not be considered a continuously Financial Member if they pay unpaid Dues retrospectively in a lump sum.
- (2C) Sub-rule (2B) does not apply if a person did not pay Dues at the time that they were due and payable because of administrative error by the Union or an employer fails to process the person's authorised payroll deductions.
- (3) The conditions of eligibility expressed in paragraphs (1A), (1B), (2)(d), (e), (f), (g) and (2A) do not apply to a position in a Branch at the time of the Branch being formed in accordance with rule 17 or within 3 years of it being formed or the election of the Inaugural Pilot Councillor under Rule 59B and sub-rule 94(14).
- (4) A person is not eligible to nominate for election to:
- (a) more than 1 National officer position that carries with it a full-time salary; or
  - (b) more than 1 position in a branch that carries with it a full-time salary.
- (4A) A person may nominate for both the position of National Secretary and a position of Branch Secretary in a Branch, even if each such position carries with it a full-time salary. However, in the event that the person is elected to both positions, such person shall only be paid the salary attaching to the position of National Secretary and shall not be paid the salary attaching to the position of Branch Secretary.

58. Election of National President, National Vice-President, and National Trustees

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- (5) A person is not eligible to nominate for election to more than 1 position on any Branch Committee of Management.
- (6) If a person is ineligible to nominate for election because of sub- rules (4) or (5), all nominations of that person are invalid.
- (7) In addition to the requirements as to the eligibility of persons to nominate for and hold positions in the Union set out in subrules (1), (1A), (1B), (2) and (2A) in the event that more than 1 nomination for election to a position is received and an election is required to be held for the position in accordance with the rules, a person is only eligible to be a candidate in the election if that person remains a continuous Financial Member at all subsequent times during the period of the election.

**58. Election of National President, National Vice-President, and National Trustees**

- (1) National Council must, elect by and from National Council annually:
  - (a) the National President,
  - (b) the National Vice-President, and
  - (c) 3 National Trustees.
- (2) National Council must, at its first meeting after a position referred to in sub-rule (1) becomes vacant, elect by and from National Council a person to fill the vacant position.
- (3) The National Returning Officer appointed by National Council in accordance with rule 66 must conduct the elections referred to in sub- rules (1) and (2).
- (4) The National Returning Officer must call for nominations during the first session of the meeting of National Council referred to in sub- rule (1) or (2).
- (5) A candidate for a position referred to in sub-rule (1) must:
  - (a) be nominated by another National Councillor; and
  - (b) consent to the nomination.
- (6) If the National Returning Officer finds a nomination is defective, the National Returning Officer must notify the candidate of the defect, and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 24 hours.
- (7) If a candidate fails to remedy a defect in accordance with sub-rule (6), the National Returning Officer must reject the nomination.
- (8) Elections must be conducted by secret ballot.
- (9) Elections must take place as soon as practicable after the closing of nominations.
- (10) The National Returning Officer must give each National Councillor a ballot paper on which to record a vote, and the ballot paper must be returned to the National Returning Officer.
- (11) Any National Councillor who is not present at a meeting referred to in sub-rule (1) or (2) must be sent:
  - (a) a ballot paper, and
  - (b) a stamped envelope addressed to the National Returning Officer, by priority paid certified mail:



## 59. Election of National Secretary

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- (c) within 1 day of the receiving of nominations; and
  - (d) at least 5 days before the closing of the poll.
- (12) Only ballot papers returned to the National Returning Officer before the close of the poll may be included in the ballot.
- (13) The National Returning Officer must count the ballot and declare the result of the elections as soon as it is practicable to do so after the close of the poll.
- (14) A candidate may at the time of nomination appoint in writing to the National Returning Officer 1 scrutineer.
- (15) A candidate may at any time, by writing to the National Returning Officer, change a scrutineer previously appointed.
- (16) A scrutineer:
- (a) must represent the interests of the candidate making the appointment;
  - (b) is entitled to represent the candidate at all stages of the ballot;
  - (c) must attend at any stage of the ballot as requested by the candidate;
  - (d) must report to the National Returning Officer any irregularity in the conduct of the ballot; and
  - (e) is not allowed to represent 2 or more candidates who are standing for the same position.
- (17) The National Returning Officer must give every opportunity to scrutineers to examine the count, and to attend at every stage of the ballot to represent the interests of the candidates.
- (18) All candidates elected take office at the conclusion of the National Council meeting at which the election was held.
- (19) Holders of the positions referred to in sub-rule (1) hold office until their successors have been elected.

### **59. Election of National Secretary**

- (1) National Council must appoint a National Returning Officer in accordance with rule 66:
- (a) by 1 September, 2010; and
  - (b) 1 September every four years thereafter.
- (2) The National Returning Officer must call for nominations for election to the position of the National Secretary by an advertisement in a daily newspaper circulating in each State and Territory.
- (2a) The roll of voters is to close at 5pm on:
- (a) the third Tuesday of August 2010; and
  - (b) the third Tuesday of August every four years thereafter.
- (3) Nominations open at noon on:
- (a) the second Tuesday of September 2010; and
  - (b) the second Tuesday of September every four years thereof.

- (4) Nominations close at noon on:
  - (a) the first Tuesday of October 2010; and
  - (b) the first Tuesday of October every four years thereafter.
- (5) Each nomination must be in writing and signed by the candidate and cannot be withdrawn once ballot papers for the election have been printed.
- (5A) Two eligible members may nominate as members of a “National Team Nomination” for the positions of National Secretary and National Assistant Secretary. A National Team Nomination must have a name.
- (5B) The name of a National Team Nomination must not be the same as or similar to the name of another National Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- (5C) In determining which National Team Nomination may use a name (which is not a candidate’s name) regard is to be had to all relevant factors including the history of use of the name in question.
- (5D) If, in the view of the National Returning Officer, the name of any National Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the National Returning Officer must:
  - (a) approach the candidate for National Secretary of the offending National Team Nomination, and request him/her to make such changes to the Team Nomination’s name as the National Returning Officer thinks necessary; and
  - (b) if such changes are not made, decide whether to accept the National Team Nomination.
- (5E) A National Team Nomination must nominate an eligible person (or the required number of people) for each position for which nominations have been called, whereupon each person will be considered to have been nominated for each position concerned.
- (5F) A National Team Nomination must be in writing and signed by each candidate.
- (5G) No member of a National Team Nomination may nominate in the election other than for that National Team Nomination.
- (5H) If a member of a National Team Nomination withdraws or is otherwise excluded from holding office (“Excluded Person”) after the close of nominations but before ballot papers are set to be printed or electronically created:
  - (a) Upon the remaining candidate in a National Team Nomination being informed of the Excluded Person ceasing to be a member of the National Team Nomination, the Excluded Person may be replaced by another eligible person who can be nominated as a candidate for the vacant position, who is not a member of any other Team Nomination, and who consents to become a member of the National Team Nomination. In such a case, the National Returning Officer must be notified of the change prior to the printing of ballot papers.
  - (b) If the Excluded Person is not replaced by another person in accordance with sub-clause (a), the National Returning Officer must reject the Team Nomination, and the remaining candidate may run as an individual candidate.
- (5I) The discovery of a candidate’s ineligibility will not affect the validity of the election to the office of any other member of a National Team Nomination of which that candidate is a member.

59. Election of National Secretary

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- (6) If the National Returning Officer finds a nomination is defective before or after the close of nominations (whether a nomination of an individual candidate or a nomination of a member of a National Team Nomination), the National Returning Officer must:
- (a) in the case of an individual candidate, notify that candidate of the defect and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 7 days; or
  - (b) in the case of a National Team Nomination, notify both candidates of that National Team Nomination of the defect and, if it is practicable to do so, give the National Team Nomination the opportunity of remedying the defect within 7 days.
- (7) If candidate fails to remedy a defect in accordance with sub-rule (6), the National Returning Officer must reject the nomination.
- (8) (a) If only 1 nomination for election to the position referred to in sub-rule (2) is received, the National Returning Officer must immediately declare the person nominated elected to the position.
- (b) If more than 1 nomination for election to the position referred to in sub-rule (2) is received, a ballot must be conducted by the National Returning Officer.
- (9) The election must be conducted:
- (a) by secret postal ballot; and
  - (b) under the "first past the post" voting system.
- (10) (a) The position of all candidates' names on the ballot paper must be determined by drawing lots.
- (b) The name of the incumbent Officer (if any) must be indicated by an asterisk.
- (10A) If there is at least one National Team Nomination, the ballot papers must have two parts divided by a horizontal line.
- (10B) The ballot papers must contain clear instruction, in a prominent position, to the effect that a member voting in the election may vote in one of two ways:
- (a) by completing the first part of the ballot paper (voting "above the line"), by voting for each member of a National Team Nomination by marking a team box with a cross ("X") (in which case only one team box should be marked); or
  - (b) by completing the second part of the ballot paper (voting "below the line"), by voting for individual candidates (including members of a National Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the election with a cross ("X"), in respect of each of the positions for which an election is being conducted.

If there are not two parts to the ballot paper then the instructions (as appropriately modified) referred to in paragraph (b) will appear on the ballot paper.

- (10C) The Ballot papers must also contain:
- (a) the date and time of closing of the ballot; and
  - (b) the National Returning Officer's initials.

(10D) The ballot papers must contain on the first part:

- (a) the name of each National Team Nomination; and
  - (b) boxes beside the names of the National Team Nomination;
- but otherwise, be unmarked in that part.

(11) The ballot papers must contain:

- (a) the name of the position being elected;
- (b) the name of each candidate, as each name appears on the nomination form, for election to the position;
- (ba) The name of the National Team Nomination of each candidate (where applicable)
- (c) the occupation and place of employment of each candidate;
- (d) boxes beside the names of the candidates;
- (e) in a prominent position:
  - (i) instructions for the filling in of the ballot paper; and
  - (ii) the date and time of the closing of the ballot; and
- (f) the National Returning Officer's initials;

but otherwise be unmarked.

(11A) A vote for a National Team Nomination counts as a vote for each member of the National Team Nomination remaining on the ballot.

(11B)(a) Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.

- (b) If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote, the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.

(12) Each Branch Returning Officer must compile a list of all Financial Members enrolled in that Branch in accordance with subrule 59(2a) and must send a copy of the list to the National Returning Officer.

(13) The National Returning Officer must send to each Branch Returning Officer sufficient ballot papers, together with pre-paid envelopes addressed to the post office box address referred to in sub-rule (14).

(14) The Union must provide the National Returning Officer with a post office box address at the G.P.O. Melbourne for the return of the ballot papers.

(15) The National Returning Officer must obtain the keys to the post office box referred to in sub-rule (14), and the keys must remain in the sole possession of the National Returning Officer at all times during the election.

- (16) The poll must open at noon on:
- (a) the second Monday of November 2010; and
  - (b) the Second Monday of November every four years thereafter.
- (17) The Branch Returning Officers must, on receipt of the material referred to in sub-rule (13), post it by pre-paid post:
- (a) in the presence of any scrutineer who wishes to be present; and
  - (b) as soon as practicable after the opening of the poll in accordance with sub-rule (16);
- to each voter on the list compiled in accordance with sub-rule (12).
- (18) The poll must close at noon:
- (a) eighteen [18] days after it opens in 2010; and
  - (b) eighteen [18] days after it opens every four years thereafter.
- (19) Ballot papers received after the time the poll closes referred to in sub-rule (18) must not be included in the ballot unless the ballot paper is postmarked before the time the poll closed.
- (20) The National Returning Officer must give each scrutineer reasonable notice of the opening of the post office box, and any scrutineer may attend.
- (21) At the close of the poll, the National Returning Officer in the presence of the scrutineers of all candidates (if available) must count all ballot papers as soon as practicable.
- (22) A scrutineer has the right to object to the inclusion of any ballot paper in the ballot, but the decision of the National Returning Officer on an objection is, subject to the provisions of the Workplace Relations Act, final.
- (23) The National Returning Officer must, within 14 days of the close of the poll, declare the results of the elections.
- (24) A person declared elected to the position of National Secretary takes office on:
- (a) 10 January, 2011; and
  - (b) 10 January every four years thereafter,
- and the retiring officer continues to hold office in the meantime.
- (25) A candidate may appoint in writing to the National Returning Officer scrutineers.
- (26) A candidate may at any time, by writing to the National Returning Officer, change a scrutineer previously appointed.
- (27) A scrutineer:
- (a) must represent the interests of the candidate making the appointment;
  - (b) is entitled to represent the candidate at all stages of the ballot;
  - (c) must attend at any stage of the ballot as requested by the candidate;

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- (d) must report to the National Returning Officer any irregularity in the conduct of the ballot; and
  - (e) is not allowed to represent 2 or more candidates who are standing for the same position.
- (28) The National Returning Officer and the Branch Returning Officers must give every opportunity to scrutineers to examine the count, and to attend at every stage of the ballot to represent the interests of the candidates.
- (29) Where there is an inquiry in any court into any election held in accordance with this rule, the intention of the Rules is that any candidate in the challenged election who held office prior to the election will continue to hold office until the inquiry is completed.

#### **59A. Election of National Assistant Secretary**

- (1) Subject to sub-rules (2) – (3) below, the National Assistant Secretary shall be elected at the same time as and by the same method and procedures as apply to the election of the National Secretary under rule 59.
- (2) For the avoidance of doubt, the person elected to and holding the office of National Assistant Secretary at the time this sub-rule commences operation and effect is Mr Michael Kaine.
- (3) The person referred to in sub-rule (2) above shall, subject to the rules, hold the office of National Assistant Secretary until the expiry of his four year term of office which commenced on 20 April 2007.
- (4) Following the expiry of the term of office of the person referred to in sub-rule (2) above, the National Assistant Secretary shall be elected in accordance with sub-rule (1) above and shall take office on:
  - (a) 10 January, 2011; and
  - (b) 10 January every four years thereafter.

#### **59B. Special Rule-Election of a Pilot National Councillor**

- (1) Subject to Rule 94, the Pilot National Councillor will be a Pilot who is a Member of the Union and is elected by Members who are Pilots at the same time and by the same method as rule 59 except for
  - (a) sub-rule 59(2), which is replaced with the following sub-rule:
    - i. The National Returning Officer must call for nominations for election to the position of Pilot National Councillor by notifying each Pilot Member in an appropriate manner.
  - (b) sub-rule 59(24), which is replaced with the following sub-rule:
    - i. A person declared elected to the position of Pilot National Councillor takes office on:
      - a. 10 January 2023; and
      - b. 10 January every four years thereafter.

**60. Branch Elections**

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer in accordance with rule 67 by:
  - (a) 1 September, 2010; and
  - (b) 1 September every four years thereafter.
- (2) The Branch Returning Officer must call for nominations for elections to the positions of:
  - (a) Branch President;
  - (b) Branch Vice-President;
  - (c) Branch Secretary;
  - (d) Branch Assistant Secretary (where required);
  - (e) 2 Branch Trustees;
  - (f) persons who are members of the Branch Committee of Management in accordance with paragraph 30(2)(f);
  - (g) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with Rule 24(1);
  - (h) Branch Organizers in each Branch that has determined that an election is required to fill these positions; and
  - (i) Branch Industrial Research Officer in each Branch that has determined that an election is required to fill this position;

by an advertisement in a daily newspaper circulating in the area of the Branch.

- (3a) The roll of voters is to close at 5pm on:
  - (a) the third Tuesday of August 2010; and
  - (b) the third Tuesday of August every four years thereafter.
- (3b) Nominations must open at noon on:
  - (a) the second Tuesday of September 2010; and
  - (b) the second Tuesday of September every four years thereafter.
- (4) Nominations must close at noon on:
  - (a) the first Tuesday of October 2010; and
  - (b) the first Tuesday of October every four years thereafter.
- (5) Each nomination must be in writing and signed by the candidate and cannot be withdrawn once ballot papers for the election have been printed.
- (5A) A group of eligible members may nominate as members of a "Team Nomination" which must have a name.

60. Branch Elections

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- (5B) The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- (5C) In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
- (5D) If, in the view of the Branch Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch Returning Officer must:
- (a) approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch Returning Officer thinks necessary; and
  - (b) if such changes are not made, decide whether to accept the Team Nomination.
- (5E) A Team Nomination must nominate an eligible person (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
- (5F) A Team Nomination must be in writing and signed by each candidate.
- (5G) No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- (5H) If a member of a Team Nomination withdraws or is otherwise excluded from holding office ("Excluded Person") after the close of nominations but before ballot papers are set to be printed or electronically created;
- (a) Upon the candidate for Branch Secretary (or the candidate for Branch President if the Branch Secretary is the Excluded Person or another member of the Team Nomination if both the candidate for Branch Secretary and Branch President are an Excluded Person) of the Team Nomination being informed of the Excluded Person ceasing to be a member of the Team Nomination, the Excluded Person may be replaced by another eligible person who can be nominated as a candidate for the vacant position, who is not a member of any other Team Nomination, and who consents to become a member of the Team Nomination. In such a case, the Branch Returning Officer must be notified on the change prior to the printing of ballot papers.
  - (b) If the Excluded Person is not replaced by another person in accordance with sub-clause (a), the Branch Returning Officer must reject the Team Nomination, and the remaining candidates may continue to run as individual candidates.
  - (c) This Rule (5H) applies separately to each Excluded Person where a Team Nomination has more than one Excluded Person.
- (5J) An individual member of a Team Nomination cannot withdraw from the Team Nomination once ballot papers for the election have been printed.
- (5K) The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.



60. Branch Elections

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- (6) If the Branch Returning Officer finds a nomination is defective before or after the close of nominations (whether a nomination of an individual candidate, or a nomination of a member of a Team Nomination), the Branch Returning Officer must:
- (a) in the case of an individual candidate, notify that candidate of the defect and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 7 days; or
  - (b) in the case of a Team Nomination, notify the candidate for Branch Secretary of that Team Nomination of the defect and, if it is practicable to do so, give the Team Nomination the opportunity of remedying the defect within 7 days.
- (7) If a candidate fails to remedy a defect in accordance with sub-rule (6), the Branch Returning Officer must reject the nomination.
- (8) (a) If no more nominations for election to a position referred to in sub-rule (2) are received than the number of such positions available, the Branch Returning Officer must immediately declare the person or persons nominated elected to the position.
- (b) If more nominations for election to a position referred to in sub-rule (2) are received than the number of such positions available, a ballot must be conducted by the Branch Returning Officer.
- (9) (a) The election must be by secret postal ballot.
- (b) The election must be under the "first past the post" voting system.
- (10) (a) The position of all candidates' names and Team Nomination names on the ballot paper must be determined by drawing lots.
- (b) The name of the incumbent person (if any) must be indicated by an asterisk.
- (10A) If there is at least one Team Nomination, the ballot papers must have two parts divided by a horizontal line.
- (10B) The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in one of two ways:
- (a) by completing the first part of the ballot paper (voting "above the line"), by voting for each member of a Team Nomination by marking a team box with a cross ("X") (in which case only one team box should be marked); or
  - (b) by completing the second part of the ballot paper (voting "below the line"), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the election with a cross ("X"), in respect of each of the positions for which an election is being conducted.

If there are not two parts to the ballot paper then the instructions (as appropriately modified) referred to in paragraph (b) will appear on the ballot paper.

- (10C) The Ballot papers must also contain:
- (a) the date and time of closing of the ballot; and
  - (b) the Branch Returning Officer's initials.

(10D) The ballot papers must contain on the first part:

- (a) the name of each Team Nomination; and
  - (b) boxes beside the names of the Team Nominations;
- but otherwise be unmarked in that part.

(11) The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):

- (a) the name of the position being elected;
  - (b) the name of each candidate, as each name appears on the nomination form, for election to the position;
  - (ba) the name of the Team Nomination of each candidate (where applicable);
  - (c) the occupation and place of employment of each candidate; and
  - (d) boxes beside the names of the candidates;
- but otherwise be unmarked.

(11A) A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.

(11B) (a) Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.

- (b) If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.

(12) Each Branch Returning Officer must compile a list of all Financial Members enrolled in that Branch in accordance with subrule 60(3a).

(13) The Branch Returning Officer must prepare sufficient ballot papers, together with pre-paid envelopes addressed to the post office box address referred to in sub-rule (14).

(14) The Union must provide the Branch Returning Officer with a post office box address at the largest city in the area of the Branch in which the election is being held for the return of the ballot papers.

(15) The Branch Returning Officer must obtain the keys to the post office box referred to in sub-rule (14), and the keys must remain in the sole possession of the Branch Returning Officer at all times during the election.

(16) The poll must open at noon on:

- (a) the second Monday of November 2010; and
- (b) the second Monday of November every four years thereafter.

- (17) The Branch Returning Officer must post the relevant material referred to in sub-rule (13) by pre-paid post:
- (a) in the presence of any scrutineer who wishes to be present; and
  - (b) as soon as practicable after the opening of the poll in accordance with sub-rule (16);
- to each voter on the list compiled in accordance with sub-rule (12).
- (18) The poll must close at noon:
- (a) eighteen [18] days after it opens in 2010; and
  - (b) eighteen [18] days after it opens every four years thereafter.
- (19) Ballot papers received after the time the poll closes referred to in sub-rule (18) must not be included in the ballot unless the ballot paper is postmarked before the time the poll closed.
- (20) The Branch Returning Officer must give each scrutineer reasonable notice of the opening of the post office box, and any scrutineer may attend.
- (21) At the close of the poll, the Branch Returning Officer in the presence of the scrutineers of all candidates (if available) must count all ballot papers as soon as is practicable.
- (22) A scrutineer has the right to object to the inclusion of any ballot paper in the ballot, but the decision of the Branch Returning Officer on an objection is, subject to the provisions of the Workplace Relations Act, final.
- (23) The Branch Returning Officer must, within 21 days of the close of the poll, declare the results of the elections.
- (24) Persons declared elected to the positions referred to in sub-rule (2) take office on:
- (a) 10 January, 2011; and
  - (b) 10 January every four years thereafter,
- and the retiring persons continue to hold office in the meantime.
- (25) Each Branch Secretary must, immediately upon the declaration of the elections for National Councillors referred to in paragraph (2)(g), inform the National Secretary of the name and address of each National Councillor elected in that Branch.
- (26) A candidate may appoint in writing to the Branch Returning Officer scrutineers.
- (27) A candidate may at any time, by writing to the Branch Returning Officer, change a scrutineer previously appointed.
- (28) A scrutineer:
- (a) must represent the interests of the candidate making the appointment;
  - (b) is entitled to represent the candidate at all stages of the ballot;
  - (c) must attend at any stage of the ballot as requested by the candidate;
  - (d) must report to the Branch Returning Officer any irregularity in the conduct of the ballot; and

62. Manner of Filling Casual Vacancies in the Positions of National Secretary and National Assistant Secretary

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- (e) is not allowed to represent 2 or more candidates who are standing for the same position.
- (29) The Branch Returning Officer must give every opportunity to scrutineers to examine the count, and to attend at every stage of the ballot to represent the interests of the candidates.
- (30) The provisions of this rule, in so far as they are applicable, will apply to the election of Sub-Branch positions within the New South Wales Branch.
- (31) Where there is an inquiry in any court into any election held in accordance with this rule, the intention of the Rules is that any candidate in the challenged election who held office prior to the election will continue to hold office until the inquiry is completed.

**61. Manner of Filling Casual Vacancies in the Positions of National President, National Vice-President and National Trustees**

A casual vacancy in the position of:

- (a) the National President,
- (b) the National Vice-President, or
- (c) a National Trustee,

must be filled by an appointment conducted in accordance with rule 58, which may occur at an ordinary or special meeting of National Council.

**62. Manner of Filling Casual Vacancies in the Positions of National Secretary and National Assistant Secretary**

(1) A casual vacancy in the position of:

- (a) the National Secretary, or
- (b) the National Assistant Secretary,

must be filled in accordance with this rule.

(2) If the expired part of the term of the position is more than both:

- (a) 12 months, and
- (b) one-quarter of the term of the position,

then, subject to sub-rule (4), an appointment for the casual vacancy must be conducted in accordance with rule 58, as if it were an election in accordance with sub-rule 58(2) which may occur at an ordinary or special meeting of National Council, provided that, notwithstanding sub-rules 58(4) and 58(9):

- (c) the National Returning Officer must call for nominations from National Council to fill the vacant position not less than 14 days before the National Council meeting at which the position is due to be filled, by way of a notice posted to each National Councillor;
- (d) nominations must be received by the National Returning Officer not less than 5 days before the National Council meeting at which the position is due to be filled; and
- (e) if the National Returning Officer has received only one nomination at the close of nominations, the National Returning Officer must immediately declare the person nominated as the person appointed by National Council to fill the vacant position.

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(3) If the expired part of the term of the position is less than either:

- (a) 12 months, or
- (b) one-quarter of the term of the position,

then, an election for the casual vacancy must be conducted in accordance with rule 61, except that:

- (c) the National Committee of Management must set alternative dates to those described in sub-rules 59 (1), (3), (4), (16), (18), and (24) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and
  - (d) the election must be completed within 4 months of the casual vacancy occurring.
- (4) A person may only fill the casual vacancy described in sub-rule (1) if that person meets the eligibility requirements for nominating for election to the position of National Secretary or National Assistant Secretary in accordance with rule 57.
- (5) A person who fills a casual vacancy in accordance with sub-rule (2) or (3) holds the position for the balance of the original 4 year term of the position.

**62A. Manner of filling casual vacancies in the position of Pilot National Councillor**

(1) Subject to Rules 59B and 94, a casual vacancy in the position of Pilots National Councillor must be filled in accordance with this rule.

(2) If the expired term of the position is greater than both

- (a) 12 months, and
- (b) one-quarter of the term of the position

then, an appointment for the casual vacancy must be made by the National Council, providing that the appointee is a financial Pilot Member.

(3) If the expired term of the position is less than

- (a) both 12 months, or
- (b) one-quarter of the term of the position

then, an election for the casual vacancy must be held in accordance with rule 59B except that:

- (c) the National Committee of Management must set alternate dates to those described in rules 59(1), (3), (4), (16), (18), (24), and 59B, the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations;
- (d) the election must be complete within 4 months of the casual vacancy Occurring;
- (e) a person can only fill the casual vacancy if they are a financial Pilot Member: and
- (f) a person who fills the casual vacancy in accordance with sub-rule (2) or (3) holds the position for the remainder of the original 4 year term of the position.

**63. Manner of Filling Casual Vacancies in Branch Positions and Sub Branch Positions**

(1) A casual vacancy in the position of:

- (a) Branch President;
- (b) Branch Vice-President;
- (c) Branch Secretary;
- (d) Branch Assistant Secretary (where required);
- (e) 2 Branch Trustees;
- (f) persons who are members of the Branch Committee of Management in accordance with paragraph 30(2)(f);
- (g) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;
- (h) Branch Organizers in each Branch that has determined that an election is required to fill these positions; and
- (i) Branch Industrial Research Officer in each Branch that has determined that an election is required to fill this position;

must be filled in accordance with this rule.

(2) If the expired part of the term of the position is greater than both:

- (a) 12 months, and
- (b) one-quarter of the term of the position,

then, an appointment for the casual vacancy must be made by the Branch Committee of Management.

(3) If the expired part of the term of the position is less than either:

- (a) 12 months, or
- (b) one-quarter of the term of the position,

then, an election for the casual vacancy must be conducted in accordance with rule 62, except that:

- (ba) a Team Nomination is not allowed;
- (c) the Branch Committee of Management must set alternative dates to those described in sub-rules 60 (1), (3), (4), (16), (18) and (24) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and
- (d) the election must be completed within 4 months of the casual vacancy occurring.

(4) A person may only fill the casual vacancy described in sub-rule (1) if that person meets the eligibility requirements for nominating for election to the positions described in sub-rule (1) in accordance with rule 57.

## 65. Branch Referendums

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- (5) A person who fills a casual vacancy in accordance with sub-rules (2) and (3) holds the position for the balance of the original 4 year term of the position.
- (6) Where a casual vacancy occurs in an elected sub-branch position, the vacancy must be filled in accordance with the provisions of this sub-rules 63(2), (3), (4) & (5) as if each reference in those sub-rules to “Branch” was “Sub Branch” and each reference to “Committee of Management” was “Executive Committee”. This sub-rule does not apply in relation to Gas Industry Sub Branches.
- (7) Rule 24(1)(h) will become operational as from the first scheduled election after this rule is Certified by the Industrial Registrar.

## 64. National Referendums

- (1) National Council may submit a matter affecting all or a section of the Members to a referendum of the Financial Members affected.
- (2) National Council must submit a matter affecting all or a section of the Members to a referendum of Financial Members affected if:
  - (a) at least 3 Branches (acting through the Branch Committee of Management or a general meeting of the Branch) that together represent 25% of the Effective Membership request; or
  - (b) a petition signed by at least 1,000 Financial Members is presented;in accordance with sub-rule (3).
- (3) A request made or petition presented in accordance with sub-rule (2) must:
  - (a) state the question that is to be put to referendum; and
  - (b) be sent to the National Secretary.
- (4) The referendum must be conducted as soon as practicable after it is called in accordance with sub-rule (1) or (2).
- (5) The referendum must be conducted by the National Returning Officer with the assistance of the Branch Returning Officer or Officers concerned.
- (6) The National Returning Officer may issue directions and instructions for the conduct of the referendum.
- (7) The question or questions must be decided by a simple majority of the Financial Members voting in the referendum.
- (8) A decision of Members taken by referendum is binding on the Union and its Members.

## 65. Branch Referendums

- (1) A Branch Committee of Management may submit a matter affecting all or a section of the Members enrolled in the Branch to a referendum of the Financial Members affected.
- (2) A Branch Committee of Management must submit a matter affecting all or a section of the Members enrolled in the Branch to a referendum of the Financial Members affected if a petition is presented signed by either:
  - (a) Financial Members constituting at least 5% of the Effective Membership of the Branch; or
  - (b) at least 1,000 Financial Members;

in accordance with sub-rule (3).

- (3) A petition presented in accordance with sub-rule (2) must:
  - (a) state the question that is to be put to referendum; and
  - (b) be sent to the Branch Secretary.
- (4) The referendum must be conducted as soon as practicable after it is called in accordance with sub-rule (1) or (2).
- (5) The referendum must be conducted by the relevant Branch Returning Officer.
- (6) The Branch Returning Officer may issue directions and instructions for the conduct of the referendum.
- (7) The question or questions must be decided by a simple majority of the Financial Members voting in the referendum.
- (8) A decision of Members taken by referendum is binding on the Branch and the Members enrolled in the Branch.

#### **66. National Returning Officer**

- (1) National Council must appoint a National Returning Officer by:
  - (a) 1 September, 2010; and
  - (b) 1 September every four years thereafter.
- (2) The National Returning Officer retains the position until a successor is appointed, subject to sub-rule (3).
- (3) National Council may at any time declare the position of National Returning Officer vacant, and appoint another person for the remainder of the term.
- (4) A person appointed to the position of National Returning Officer must not be:
  - (a) the holder of any other position in, or
  - (b) an employee of,the Union.

#### **67 Branch Returning Officer**

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer by:
  - (a) 1 September, 2010; and
  - (b) 1 September every four years thereafter.
- (2) A Branch Returning Officer retains the position until a successor is appointed, subject to sub-rule (3).
- (3) A Branch Committee of Management may at any time declare the position of Branch Returning Officer vacant, and appoint another person for the remainder of the term.



68. National Industrial Disputes, Awards and Agreements

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- (4) A person appointed to the position of a Branch Returning Officer must not be:
- (a) the holder of any other position in, or
  - (b) an employee of,
- the Union.

**PART 9 - INDUSTRIAL MATTERS**

**68. National Industrial Disputes, Awards and Agreements**

- (1) (a) National Council or the National Committee of Management may determine that any matter relating to an industrial dispute, award, agreement, or other industrial matter be:
- (i) submitted to any industrial tribunal, court or authority; or
  - (ii) the subject of any other action.
- (b) National Council or the National Committee of Management may determine that a log of claims be served on any employer.
- (2) The National Secretary must take any action necessary to have a matter referred to in sub-rule (1) determined.
- (3) (a) The National Secretary or a person authorised by the National Secretary may determine that any matter relating to an industrial dispute, award, agreement, or other industrial matter be:
- (i) submitted to any industrial tribunal, court or authority; or
  - (ii) the subject of any other action;
- and must take any action necessary to have the matter determined.
- (b) The National Secretary or a person authorised by the National Secretary may determine that a log of claims be served on any employer.
- (4) A person who acts in accordance with sub-rule (3) may not contravene an earlier decision of National Council or the National Committee of Management.
- (5) If a matter relates to:
- (a) an industrial dispute, award, agreement, or other industrial matter occurring in a State or Territory that may affect Members living in another State or Territory; or
  - (b) an existing industrial dispute, award, agreement, or other industrial matter that is being dealt with by a National industrial tribunal, court or authority;
- the relevant Branch Secretary must notify the National Secretary in writing of the matter and all relevant details.
- (6) An industrial agreement referred to in sub-rule (1) or (3) that does not conform with award standards must not be entered into by the Union without an appropriate resolution of National Council or the National Committee of Management.
- (7) National Council or the National Committee of Management may from time to time determine that another person be appointed to act in place of the National Secretary for the purposes of this rule.

**69. State Industrial Disputes, Awards and Agreements**

- (1) A Branch Committee of Management may determine that any matter that:
  - (a) relates to an industrial dispute, award, agreement, or other industrial matter solely confined to one State; and
  - (b) does not relate to any matter the subject of rule 68;be:
  - (c) submitted to an appropriate State industrial tribunal, court or authority; or
  - (d) the subject of any other action.
- (2) The relevant Branch Secretary must take any action necessary to have a matter referred to in sub-rule (1) determined.
- (3) Subject to sub-rule (1), a Branch Secretary may determine that any matter that:
  - (a) relates to an industrial dispute, award, agreement, or other industrial matter solely confined to one State; and
  - (b) does not relate to any matter the subject of rule 68;be:
  - (c) submitted to an appropriate State industrial tribunal, court or authority; or
  - (d) the subject of any other action;and must take any action necessary to have the matter determined.
- (4) An industrial agreement referred to in sub-rule (1) or (3) that does not conform with award standards must not be entered into by the Union without an appropriate resolution of the Branch Committee of Management.
- (5) The Branch Committee of Management may from time to time determine that another person be appointed to act in place of the Branch Secretary for the purposes of this rule.

**70. Collection of Wages in Arrears**

- (1) If:
  - (a) a Member has been underpaid by an employer; and
  - (b) a demand for payment has been made on the employer by the Union;the demand may only be settled by the Union.
- (2) A Member who settles a demand made by the Union in accordance with sub-rule (1) with an employer without the express agreement of the Union is in breach of the Rules for the purpose of rule 90.

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**71 Authority to Execute Documents**

- (1) Industrial agreements and other documents to which the Union is a signatory must be executed in the following way:
  - (a) An industrial agreement, other than a certified agreement or enterprise flexibility agreement referred to in the Workplace Relations Act, and any other instrument not required by law to be executed under the seal of the Union must be executed with the signatures of either:
    - (i) the National Secretary and the National President, or
    - (ii) the National Secretary and the National Vice-President;
  - (b) Instruments, including certified agreements or enterprise flexibility agreements referred to in the Workplace Relations Act, relating to proceedings in the Australian Industrial Relations Commission or the Federal Court of Australia must be executed with the signature of the National Secretary; and
  - (c) Instruments required by law to be executed under the seal of the Union must be executed under the seal of the Union with either:
    - (i) the signature of the National Secretary, or
    - (ii) the signatures of the National President and the National Vice-President.
- (2) This rule does not apply to:
  - (a) bank cheques, or
  - (b) instruments that relate to the duties and functions of National or Branch Trustees.

**PART 10 - ADMINISTRATION****72 Funds**

- (1) The Union may raise funds through the collection by Branches of Members' Dues, and by other means.
- (2)
  - (a) Each Branch Secretary must pay to the National Council from the respective Branch General Fund Sustentation Fees for 2013 and each subsequent year, an amount equal to 17.64% of the income received as Annual Fees in each calendar month.
  - (b) The payments of Sustentation Fees referred to in paragraph (a) must be made to National Council within 21 days of the last day of the month in which the Dues are received by Branches.
  - (c) The payments of Sustentation Fees referred to in paragraph (a) must not be used by Branches for any other purpose.
- (3) Despite any other rule, a Branch Committee of Management may not direct a Branch Secretary not to make payments of Sustentation Fees due to National Council in accordance with this rule.

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- (4) Each Branch Secretary must send to the National Secretary before 15 March each year a copy of the respective:
- (a) Branch statement of income and expenditure,
  - (b) Branch statement of assets and liabilities, and
  - (c) Branch auditor's report for the preceding year,
- each document having been signed by the Branch auditor.
- (5) If a Branch Secretary fails to:
- (a) make payments of Sustentation Fees due to National Council; or
  - (b) provide the National Secretary with the documents referred to in sub-rule (4);
- in accordance with this rule, the relevant Branch may not be represented at National Council or the National Committee of Management, until the payments are made or the documents provided.
- (6) The Union and each branch shall develop and implement policies and procedures relating to the expenditure of the Union and each branch.
- (7) All expenditure of the funds of the Union or a branch must be made in accordance with the Rules and policies and procedures developed under sub-rule (6).

### **73 Campaign Fund**

- (1) A fund called the “TWU Campaign Fund” is established.
- (2) The TWU Campaign Fund will be used to further the Objectives of the Union, including by supporting campaigning efforts to deliver on the 2035 Vision, continue to grow the membership, and best advance the interests of Members.
- (3) Decisions about how money from the TWU Campaign Fund will be expended will be made by the TWU National Committee of Management.
- (4) The TWU National Secretary will administer the fund on behalf of the TWU National Committee of Management.
- (5) Every month from 1 January 2025, each Branch must forward to the National Council a 15c plus GST per member per week Campaign Fund Contribution.
- (6) Disbursement of the monies in the Campaign Fund will be subject to rule 80.
- (7) Despite any other rule, a Branch Committee of Management must not direct a Branch Secretary not to make payments due to National Council (or otherwise prevent or seek to prevent payments to National Council), in accordance with this rule.
- (8) Where a Branch fails to make payments due to National Council in accordance with this rule, the relevant Branch has no right to representation at National Council or the National Committee of Management, until the payments are made.
- (9) National Council must ensure that all monies received in accordance with sub-rule (4) are separately and distinctly accounted for.

#### 74. Levies

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- (10) Withdrawals from the TWU Campaign Fund must be made by Electronic Funds Transfer or cheque and signed or authorised by:
- (a) the National Secretary and
  - (b) 2 National Trustees.

#### 73A. Training of Officials

Within six months after beginning to hold an office, each officer of the Union or a branch of the Union whose duties include financial management of the Union or a branch must complete training that:

- (a) has been approved by the General Manager under section 154C of the *Fair Work (Registered Organisations) Act 2009*; and
- (b) covers each of the officer's financial duties.

#### 74. Levies

- (1) National Council may Levy Branches for the purpose of carrying out the objects of the Union.
- (2) National Council must notify all Branches of the raising of any Levy in accordance with sub-rule (1), and the amount of the Levy to be paid by each Branch.
- (3) As soon as possible after receiving a notice in accordance with sub- rule (2), the Branch must pay the amount of the Levy due to National Council.
- (4) National Council may Levy all the Members or the Members enrolled in any Branch for the purpose of carrying out the objects of the Union.
- (5) National Council must notify the relevant Branches of the raising of any Levy in accordance with sub-rule (4), and the amount of the Levy to be paid by each Branch.
- (6) As soon as possible after receiving a notice in accordance with sub- rule (5), the Branch must collect the Levy from the Members enrolled in the Branch, and pay the amount of the Levy due to National Council.
- (7) No Levy may be raised by National Council unless a proposal to raise the Levy has been included on the agenda of National Council in accordance with sub-rule 51(3).
- (8) A Branch Committee of Management may Levy all the Members enrolled in the Branch for the purpose of carrying out the objects of the Union.
- (9) The relevant Branch may expend the money raised by Levy in accordance with sub-rule (8) as it considers appropriate, so long as all expenditure is for the purpose or purposes for which the Levy was raised.
- (10) If the money raised by a Branch by Levy in accordance with sub-rule (8) is not being expended for the purpose or purposes for which the Levy was raised, National Council may direct the Branch to pay all money raised to National Council, which must then expend the money for the purpose or purposes for which the Levy was raised.
- (11) The total Levies on any Member in a Financial Year must not be more than \$200.

**75. Banking and Expenditure**

- (1) National Council accounts must be opened and operated with an appropriate financial institution nominated by National Council from time to time.
- (2) Branch accounts must be opened and operated with an appropriate financial institution nominated by the relevant Branch Committee of Management from time to time.
- (3) Each account referred to in sub-rules (1) and (2) must be in the name of the Union.
- (4) All money held in an account referred to sub-rules (1) and (2) is the sole property of the Union until expended in accordance with the Rules.
- (5) National Council and each Branch must open and operate a separate General Fund Account with the relevant appropriate financial institution referred to in sub-rules (1) and (2).
- (6) All money received by, or on behalf of, the Union must be deposited with the relevant appropriate financial institution referred to in sub-rules (1) and (2).
- (7) The funds of the Union may only be expended as follows:
  - (a) Payments from all National Accounts must be by Electronic Funds Transfer or cheque, in either case signed or authorised by:
    - (i) the National Secretary, and
    - (ii) 1 of the 3 National Trustees, or
    - (iii) In the absence of the National Secretary, 2 of the 3 National Trustees.
  - (b) The ordinary management expenses of National Council may be paid by either Electronic Funds Transfer or by cheque signed or authorised by the National Secretary.
  - (c) Payments from all accounts of each branch must be paid by Electronic Funds Transfer or cheque, in either case signed or authorised by:
    - (i) the Branch Secretary, and
    - (ii) either one of:
      - (A) the Branch President,
      - (B) the Branch Vice-President, or
      - (C) 1 Branch Trustee;
  - (d) Subject to paragraph (e), the expenditure of Branch funds may only be made by a resolution of the Branch Committee of Management, and is subject to sub-rules 72(3) and 73(6); and
  - (e)
    - (i) the salaries of Officers and other employees of the Union, and
    - (ii) regularly recurring expenses that have been authorised by the Branch Committee of Management;may be paid without a specific resolution of the Branch Committee of Management.

### **76. Handling of Money**

- (1) All Officers, employees of the Union and Members who collect or come into possession of money that is owed or is to be paid to the Union must account for the money to the relevant Branch (or, where no Branch is constituted, to National Council) within 7 days from the time they receive the money.
- (2) A person who receives money and fails to account for it in accordance with sub-rule (1) within 14 days from the time of receipt has failed to comply with the Rules for the purposes of rule 90.

### **77. Fares and Expenses**

- (1) National Council must pay all fares of National Councillors and members of the National Committee of Management attending meetings of National Council and the National Committee of Management.
- (2) National Council must pay all away from home allowances to members of the National Committee of Management attending meetings of the National Committee of Management.
- (3) Each Branch must pay all away from home allowances to National Councillors representing the Branch who are attending meetings of National Council.
- (4) Each Branch must pay for the fares, lost wages and other expenses of Members enrolled in the Branch not being National Councillors or Members of the National Committee of Management attending meetings of National Council and the National Committee of Management, unless otherwise determined by the National Committee of Management.

### **78. Loans, Grants and Donations**

A loan, grant or donation of more than \$1,000 must not be made by the Union unless National Council or a Branch Committee of Management:

- (a) has satisfied itself that:
  - (i) the making of the loan, grant or donation is in accordance with the Rules; and
  - (ii) in the case of a loan - in the circumstances, the proposed security and arrangements for repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

### **79. Legal Proceedings**

- (1)
  - (a) The National Secretary may institute legal proceedings on behalf of the Union.
  - (b) In the case of a matter which affects only Members within a particular Branch the Branch Secretary may institute legal proceedings on behalf of the Union.
- (2) All Dues payable by Members that are owing for any period of Membership may be sued for and recovered in the name of the Union by:
  - (a) the Branch Secretary or nominee of the Branch in which the Member is enrolled; or
  - (b) if a Branch is not constituted in the State or Territory where the Member resides - by the National Secretary or nominee.

**80. Audits**

- (1) National Council must appoint annually as auditor a properly qualified accountant who is a competent person for the purposes of the relevant provisions of the Workplace Relations Act.
- (2) The auditor appointed in accordance with sub-rule (1) must:
  - (a) be given full and free access to all accounting records kept by National Council;
  - (b) audit the accounts of National Council for the period ending 31 December each year;
  - (c) report in writing on the audit to National Council;
  - (d) sign the audited accounts of National Council; and
  - (e) conduct a further audit at any time at the direction of National Council.
- (3) Each Branch Committee of Management must appoint annually as auditor a properly qualified accountant who is a competent person for the purposes of the relevant provisions of the Workplace Relations Act.
- (4) The auditor appointed in accordance with sub-rule (3) must:
  - (a) be given full and free access to all accounting records kept by the Branch;
  - (b) audit the accounts of the Branch for the period ending 31 December each year;
  - (c) report in writing on the audit to the Branch Committee of Management;
  - (d) sign the audited accounts of the Branch; and
  - (e) conduct a further audit at any time at the direction of the Branch Committee of Management.

**81. Inspection of Financial Accounts**

- (1) Subject to sub-rules (2) and (4), a Financial Member has the right to inspect:
  - (a) the National Council statement of income and expenditure,
  - (b) the National Council statement of assets and liabilities,
  - (c) the National Council auditor's report for the preceding year,
  - (d) a Branch's statement of income and expenditure,
  - (e) a Branch's statement of assets and liabilities,
  - (f) a Branch's auditor's report for the preceding year,
  - (g) a roll of the Membership kept by National Council, or
  - (h) a roll of the Membership kept by a Branch,at any reasonable time.



## 82A. Disclosures

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- (2) Before inspecting any document referred to in sub-rule (1), a Financial Member must first obtain an authorisation in writing:
  - (a) in the case of the documents referred to in paragraphs (1) (a), (b), (c), or (g) - from the National President; and
  - (b) in the case of the documents referred to in paragraphs (1) (d), (e), (f), or (h) - from the relevant Branch President.
- (3) The National President or a Branch President may not refuse to give an authorisation in accordance with sub-rule (2).
- (4) A Financial Member may only inspect documents referred to in sub-rule (1) in the presence of the National Secretary or nominee, or the relevant Branch Secretary or nominee, as the case may be.

### **82. National and Branch Offices**

- (1) The location of the National Office of the Union must be determined by National Council or the National Committee of Management.
- (2) The location of the Branch Office of each Branch must be determined by the relevant Branch Committee of Management.
- (3) National Council must maintain a register recording the location of the National Office and each Branch Office.
- (4) If National Council, the National Committee of Management or a Branch Committee of Management changes an Office, the National Secretary must be notified within 35 days, and the register kept by National Council must then be changed accordingly.

### **82A. Disclosures**

- (1) Each officer of the Union shall disclose to the Union any remuneration paid to the officer:
  - (a) because the officer is a member of a board, if:
    - i. the officer is a member of the board only because the officer is an officer of the Union; or
    - ii. the officer was nominated for the position as a member of the board by the Union, a branch of the Union, or a peak council; or
  - (b) by any related party of the Union in connection with the performance of the officer's duties as an officer.
- (2) The disclosure required by sub-rule (1) shall be made to the Union:
  - (a) as soon as practicable after the remuneration is paid to the officer; and
  - (b) in writing.
- (3) The Union shall disclose to the members of the Union and its branches:
  - (a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

- (b) for those officers:
  - i. the actual amount of the officers' relevant remuneration for the disclosure period; and
  - ii. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- (4) For the purposes of sub-rule (3), the disclosure shall be made:
  - (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.
- (5) Each officer of an Union shall disclose to the Union any material personal interest in a matter that:
  - (a) the officer has or acquires; or
  - (b) a relative of the officer has or acquires;that relates to the affairs of the Union.
- (6) The disclosure required by sub-rule (5) shall be made to the Union:
  - (a) as soon as practicable after the interest is acquired; and
  - (b) in writing.
- (7) The Union shall disclose to the members of the Union and its branches any interests disclosed to the Union pursuant to sub-rule (5).
- (8) For the purposes of sub-rule (7), the disclosures shall be made:
  - (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.
- (9) The Union shall disclose to the members of the Union and its branches either:
  - (a) each payment made by the Union, during the disclosure period:
    - i. to a related party of the Union or of a branch of the Union; or
    - ii. to a declared person or body of the Union or a branch of the Union; or
  - (b) the total of the payments made by the Union, during the disclosure period:
    - i. to each related party of the Union; or
    - ii. to each declared person or body of the Union.
- (10) Sub-rule (9) does not apply to a payment made to a related party if:
  - (a) the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union; or

82B. Branch Disclosures

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- (b) the related party is an officer of the Union, and the payment:
  - i. consists of remuneration paid to the officer by the Union; or
  - ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(11) For the purposes of sub-rule (9), the disclosures shall be made:

- (a) in relation to each financial year;
- (b) within six months after the end of the financial year; and
- (c) in writing.

**82B. Branch Disclosures**

(1) Each officer of the branch of the Union shall disclose to the branch any remuneration paid to the officer:

- (a) because the officer is a member of a board, if:
  - i. the officer is a member of the board only because the officer is an officer of the branch; or
  - ii. the officer was nominated for the position as a member of the board by the Union, branch or a peak council; or
- (b) by any related party of the branch in connection with the performance of the officer's duties as an officer.

(2) The disclosure required by sub-rule (1) shall be made to the branch:

- (a) as soon as practicable after the remuneration is paid to the officer; and
- (b) in writing.

(3) A branch shall disclose to the members of the branch:

- (a) the identity of the officers who are the two highest paid officers of the branch in terms of relevant remuneration for the disclosure period, and
- (b) for those officers:
  - i. the actual amount of the officers' relevant remuneration for the disclosure period; and
  - ii. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.

(4) For the purposes of sub-rule (3), the disclosure shall be made:

- (a) in relation to each financial year;
- (b) within six months after the end of the financial year; and
- (c) in writing.

82B. Branch Disclosures

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- (5) Each officer of a branch shall disclose to the branch any material personal interest in a matter that:
- (a) the officer has or acquires; or
  - (b) a relative of the officer has or acquires;
- that relates to the affairs of the branch.
- (6) The disclosure required by sub-rule (5) shall be made to the branch:
- (a) as soon as practicable after the interest is acquired; and
  - (b) in writing.
- (7) The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule (5).
- (8) For the purposes of sub-rule (7), the disclosures shall be made:
- (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.
- (9) The branch shall disclose to the members of the branch either:
- (a) each payment made by the branch, during the disclosure period:
    - i. to a related party of the branch; or
    - ii. to a declared person or body of the branch; or
  - (b) the total of the payments made by the branch, during the disclosure period:
    - i. to each related party of the branch; or
    - ii. to each declared person or body of the branch.
- (10) Sub-rule (9) does not apply to a payment made to a related party if:
- (a) the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch; or
  - (b) the related party is an officer of the branch, and the payment:
    - i. consists of remuneration paid to the officer by the branch; or
    - ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.
- (11) For the purposes of sub-rule (9), the disclosures shall be made:
- (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.

### **83. Records**

- (1) A record must be kept at all times of the Dues paid by each Member.
- (2) The records referred to in sub-rule (1) must be kept by National Council or each Branch, and must be produced on request to the National Secretary, National Council auditor or Branch auditor.

### **84. Documents**

- (1) The National Secretary must deposit all documents and securities of the National Council in a place determined by the National Committee of Management in the name of the Union.
- (2) The Branch Secretary must deposit all documents and securities of the Branch at a place determined by the Branch Committee of Management in the name of the Branch.

## **PART 11 - RULES**

### **85. Rules - Operation and Amendment**

- (1) The Rules may only be amended in accordance with sub-rule (2), (4) or (5)
- (2) The Rules may be amended if:
  - (a) the proposed amendment to the Rules has been submitted to each Branch at least 1 month before a resolution of National Council in accordance with paragraph (b); and
  - (b) National Council has resolved to amend the Rules in accordance with the proposed amendment referred to in paragraph (a), subject to sub-rule (3).
- (3) National Council may alter a proposed amendment to the Rules that has been submitted to Branches in accordance with paragraph (2)(a).
- (4) Alternatively, the Rules may be amended if:
  - (a) National Council has resolved to amend the Rules;
  - (b) the resolution referred to in paragraph (a) has been submitted to each Branch after it has been passed;
  - (c) a majority of the Branch Committees of Management have agreed to the resolution within 60 days of it being passed; and
  - (d) the relevant Branch Secretaries on behalf of the Branch Committees of Management referred to in paragraph (c) have notified the National Secretary of the decisions of the Branch Committees of Management.
- (5) Despite sub-rules (2) and (4), if it is necessary to amend the Rules so as to comply with the Workplace Relations Act, the Rules may be amended by a resolution of National Council or the National Committee of Management without any other requirement.

### **86. Rule Books for Members**

- (1) (a) A Member is entitled to obtain a copy of the Rules by applying in writing and paying \$20 to the Branch Secretary of the Branch in which the Member is enrolled.
- (b) Rule 86(1)(a) does not apply in circumstances where a copy of the rules is to be provided free of charge.

90. Gas Industry Sub-Branches

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- (2) (a) A Member is entitled to obtain a copy of the list of offices by applying in writing and paying \$5 to the Branch Secretary of the Branch in which the Members is enrolled.
- (b) Rule 86(2)(a) does not apply in circumstances where a copy of the list of offices is to be provided free of charge.

**PART 12 - GENERAL**

**87. Amalgamation**

- (1) The Union may only agree on the terms for an amalgamation with another union or unions if National Council has approved the agreement.
- (2) (a) If the terms of an amalgamation referred to in sub-rule (1) have the effect of reducing the term of a full-time paid position in the Union or the other union or unions, National Council may compensate the person holding the position.
- (b) Compensation may not be paid in accordance with paragraph (a) to a person who has filled a casual vacancy in a position.

**88. Agreement with State Union**

- (1) The Union may enter into an agreement with a state union pursuant to section 202 of the Workplace Relations Act.
- (2) The power referred to in sub-rule (1) is exercisable by National Council or the National Committee of Management.

**89. Membership of Amalgamated Unions and Associations**

- (1) The membership of each member of the Motor Transport & Chauffeurs' Association must be regarded as Membership of the Union for all purposes of the Rules.
- (2) Upon amalgamation of The Federated Gas Employees Industrial Union with the Transport Workers' Union of Australia all existing members of The Federated Gas Employees Industrial Union shall be and become and be treated as members of the Transport Workers' Union of Australia and the membership of The Federated Gas Employees Industrial Union shall be counted as membership of the Transport Workers' Union of Australia for all purposes of the rules of the Transport Workers' Union of Australia.

**90. Gas Industry Sub-Branches**

(a) Scope and Operation of Rule

- (i) The purpose of this rule is to facilitate the amalgamation of the Transport Workers' Union of Australia and The Federated Gas Employees Industrial Union. This rule shall operate on and from the day on which the amalgamation takes effect ("the amalgamation day").
- (ii) This rule shall apply despite anything to the contrary elsewhere in these rules; in the event of inconsistency between this rule and any other rules, this rule shall prevail.
- (iii) The amalgamation of the Transport Workers' Union of Australia and The Federated Gas Employees Industrial Union will not adversely affect the interests of:
- those persons who were, prior to the amalgamation day, either members, officers, officials or employees of The Federated Gas Employees Industrial Union; or
  - those persons who are or who are eligible to be members of the Gas Industry Sub-Branches, as defined in rule 90(b)(v).

- (iv) For as long as there is at least one Gas Industry Sub-Branch in existence, this rule shall not be altered or deleted without the approval of all the Executive Committees of the Gas Industry Sub-Branches.
- (v) Nothing in this rule shall detract from the right of a member of a Gas Industry Sub-Branch to participate in the affairs of the relevant Branch and of the Union.

(b) Coverage of the Gas Industry Sub-Branches

- (i) On the amalgamation day there shall be:
  - A South Australian Gas Industry Sub-Branch of the South Australian Branch of the Union.
  - The Membership of the South Australian Gas Industry sub-Branch shall be those members of the Union employed or usually employed by a Gas Industry employer as defined in rule 90(b)(v) and who reside in South Australia and the Northern Territory.
- (ii) In addition, there shall be a Gas Industry Sub-Branch of the Union in a State or Territory which does not have a Gas Industry Sub-Branch if the number of members of the Union residing in that State or Territory employed by a Gas Industry employer as defined in rule 90(b)(v) exceeds 600. Each such Gas Industry Sub-Branch shall comprise those members of the Union employed by a Gas Industry employer as defined in rule 90(b)(v) who reside within that State or Territory;
- (iii) Subject to rule 90(c)(ii)(4) a Gas Industry Sub-Branch may be disbanded only in the following way. The National Council is empowered to disband a Gas Industry Sub-Branch where:
  - (1) in the case of the South Australian Gas Industry Sub-Branch, the total number of effective members falls below 500; and
  - (2) in any other case, the total number of effective members of a Gas Industry Sub-Branch falls below 600;
  - (3) "effective members" for the purposes of this rule means the number, calculated as at 31 December of each year, resultant upon the amount (expressed in figures) comprising the total income, in a particular year, received from members in payment of contributions divided by the amount (expressed in figures) that is specified in sub-rule 8(1) to be the Annual Fee.

Provided that the National Council shall not disband a Gas Industry Sub-Branch unless the National Secretary has given to the Secretary of the Sub-Branch, written notice of the proposal for possible disbanding of the Sub-Branch at least 90 days before the meeting of the National Council at which that proposal is to be considered. If by the date of that meeting of National Council, the National Council is reasonably satisfied that the effective membership of the Sub-Branch has increased to the level required by this sub-rule, the proposal shall lapse.

- (iv) Where the National Council exercises the power referred to at sub-paragraph (v);
  - (1) the members attached to the Gas Industry Sub-Branch prior to it being disbanded shall be attached to the Branch of the Union in the State or Territory in which they reside; and

- (2) the holder of the office of Gas Industry Sub-Branch Secretary prior to the Gas Industry Sub-Branch being disbanded shall continue to occupy his or her position on the relevant Branch Committee of Management in accordance with rule 90(c)(v) and continue to be employed by the Branch of the Union until the expiration of the term of office for which the person has been elected Sub-Branch Secretary.
  - (3) The Branch to which the Sub-Branch was attached shall assume responsibility for the assets and liabilities for which the disbanded Sub-Branch had responsibility.
- (v) For the purpose of these rules, the Gas Industry employers are:
- (1) those Employers that employ employees falling within the operation of the:
    - (a) Gas Industry Award 1986;
    - (b) Liquefied Petroleum Gas Industry Award 1991;
    - (c) Gas Industry (Contractors - Mains & Services) Interim Award 1987;
    - (d) LP Gas Industry Award 1985;
    - (e) Wesfarmers Kleenheat Gas Pty Ltd Transport Workers' Interim Award 1993;
    - (f) or any award or agreement, whether or not made under the Workplace Relations Act or its successor, however described, which succeeds any of these awards or parts of these awards; and
  - (2) any successor, assignee or transmittee of a business or part of the business of the employers described at sub-paragraph (1) hereof; and
  - (3) any employer agreed to from time to time between a Sub-Branch Executive Committee and the Branch Committee of Management of the Branch in the relevant State or Territory, in relation to members described in paragraph F of Annexure B.

(c) Structure of the Gas Industry Sub-Branches

- (i) Each Gas Industry Sub-Branch shall, in accordance with this rule, elect an Executive Committee.
- (ii) The Executive Committee of a Gas Industry Sub-Branch shall have:
  - (1) control over the Gas Industry Sub-Branch, subject to control by members of the Sub-Branch, as reflected in a decision of any plebiscite taken in accordance with rule 90(j);
  - (2) power to make decisions regarding the industrial, professional and organisational interests of the members of the Gas Industry Sub-Branch;
  - (3) power to increase the level of annual contributions payable by members of the Sub-Branch, provided any such increase is endorsed in advance by a general meeting of members of the Sub-Branch; and
  - (4) power to resolve to disband the Sub-Branch and amalgamate it with the Branch of which it is a Sub-Branch on such terms and conditions as are agreed between the Sub-Branch Executive Committee and the Branch Committee of Management.
- (iii) The Executive Committee shall consist of a Gas Industry Sub-Branch Chairperson, Vice-Chairperson, Secretary and seven Executive Committee Members.



90. Gas Industry Sub-Branches

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- (iv) Until 20 April 2005 each Gas Industry Sub-Branch Secretary shall be a full time paid officer of the Union. From 20 April 2005 a Gas Industry Sub-Branch Secretary shall be an honorary, and not a full-time paid, officer of the Union.
- (v) Each Gas Industry Sub-Branch Secretary shall be a full voting member of the relevant Branch Committee of Management.
- (vi) The duties of the Gas Industry Sub-Branch Officers shall be as hereunder:

- (1) Chairperson

The Gas Industry Sub-Branch Chairperson shall preside, when practicable, at all Sub-Branch meetings and Sub-Branch Executive Committee meetings. He or she shall preserve order and give an impartial decision on all questions submitted to him or her. Should he or she wish to speak on any question other than a point of order, he or she shall leave the chair and call upon the Vice-Chairperson to take charge of the meeting while speaking, and shall immediately resume the chair when finished speaking. He or she shall have power to fine any member who, after being warned by the person occupying the chair, persists in disorderly conduct - up to and not exceeding the sum of \$10 (ten dollars) - for such offence. A member so fined shall have such fine confirmed in writing and will have the right to appeal to the next meeting of the Sub-Branch Executive Committee. He or she shall also have the power to order the removal from the meeting room of any member who persists in disorderly conduct provided it is with the concurrence of the meeting.

- (2) Vice-Chairperson

The Sub-Branch Vice-Chairperson shall assist the Sub-Branch Chairperson to conduct all meetings, and act as the Chair of any meeting in his or her absence and have all the powers and privileges of the Sub-Branch Chairperson at such meetings.

- (3) Secretary

The Sub-Branch Secretary shall be competent to discharge all duties assigned to him or her by the Sub-Branch Executive Committee, and shall attend all meetings connected with the Sub-Branch when practicable. He or she shall attend to all correspondence and keep a copy of all letters. He or she shall keep all documents, books and accounts relating to the business of the Sub-Branch.

- (4) Executive Committee Members

The Executive Committee Members shall attend all meetings of the Executive Committee and shall manage the affairs of the Gas Industry Sub-Branch in accordance with the rules.

- (d) Elections - Offices of Gas Industry Sub-Branches

- (i) In 2010 and thereafter elections for the following offices of the Gas Industry Sub-Branch shall be in accordance with the Rules at the same time as the Scheduled Elections.
  - (1) Gas Industry Sub-Branch Chairperson;
  - (2) Gas Industry Sub-Branch Vice-Chairperson;
  - (3) Gas Industry Sub-Branch Secretary;
  - (4) Seven Gas Industry Sub-Branch Executive Committee Members.

90. Gas Industry Sub-Branches

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Scheduled Elections means the regular recurring elections to be held in the Branch to which the Sub-Branch is attached in the year specified.

- (ii) The Returning Officer for the elections in each Gas Industry Sub-Branch shall be the Branch Returning Officer appointed by the Branch.
- (iii) The Returning Officer shall call for nominations for election to each of the offices set out in Sub-Rule (d)(i) hereof in the following manner:
  - (1) Nominations shall be called for by advertisements in a daily newspaper circulating in the geographical area in which the Sub-Branch is situated or in which its members reside.
- (iv) A member of the Union shall only be eligible to nominate for election to the office of Gas Industry Sub-Branch Secretary if the member:
  - (1) is a member of that Gas Industry Sub-Branch;
  - (2) is a financial member at the date of nomination and has been a financial member continuously for the previous three years; and
  - (3) is either employed by a Gas Industry employer as defined in rule 90(b)(v) or holds office as a Gas Industry Sub-Branch Secretary.
- (v) A member of the Union shall only be eligible to nominate for election to an office on a Gas Industry Sub-Branch Executive Committee other than the office of Gas Industry Sub-Branch Secretary if the member:
  - (1) is a member of the Gas Industry Sub-Branch;
  - (2) is a financial member at the date nominations close; and
  - (3) is either employed by a Gas Industry employer as defined in rule 90(b)(v) or holds office as a Gas Industry Sub-Branch Secretary.
- (vi) The electorate for the purposes of an election to the offices of a Gas Industry Sub-Branch shall be all financial members of the relevant Gas Industry Sub-Branch.

(e) Gas Industry National Councillor

- (i) In addition to the persons described in rule 24 as comprising National Council, there shall be one Gas Industry National Councillor for as long as there exists at least one Gas Industry Sub-Branch.
- (ii) The Gas Industry National Councillor(s) shall represent the interests of the Gas Industry Sub-Branches on the National Council.
- (iii) The National Council shall pay the fares of the Gas Industry National Councillor to all meetings of the National Council.
- (iv) The Branch of which the Gas Industry National Councillor is a member shall pay all other expenses properly incurred by the Gas Industry National Councillor for attendance at all meetings of the National Council.

(f) Election of Gas Industry National Councillor

- (i) In 2010 and thereafter elections shall be held for the office of Gas Industry National Councillor such elections to be in accordance with the Rules at the same time as the Scheduled Elections.

Scheduled Elections means the regular recurring elections to be held in the Branch to which the Sub-Branch is attached in the year specified.

90. Gas Industry Sub-Branches

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- (ii) A member of the Union shall only be eligible to nominate for the office of Gas Industry National Councillor if the member:
  - (1) is a member of a Gas Industry Sub-Branch;
  - (2) is a financial member at the date nominations close; and
  - (3) is either employed by a Gas Industry employer as defined in rule 90(b)(v) or holds office as a Gas Industry Sub-Branch Secretary.
- (iii) The electorate for the purposes of the election of the Gas Industry National Councillor shall be the financial members of all the Gas Industry Sub-Branches.
- (iv) The elections for the office of Gas Industry National Councillor shall be conducted in the following manner:
  - (1) The National Returning Officer shall call for nominations for election to the office of Gas Industry National Councillor. Each nomination shall be in writing and signed by the candidate.
  - (2) The National Returning Officer shall call for such nominations by an advertisement in a daily newspaper circulating in each state and territory in which a Gas Industry Sub-Branch is situated or in which its members reside.

(g) Casual Vacancies

- (i) Where a casual vacancy occurs in any office within a Gas Industry Sub-Branch such vacancy may be filled by appointment by the Executive Committee of that Gas Industry Sub-Branch of a member eligible to nominate for and hold the office in accordance with this rule.
- (ii) Where a casual vacancy occurs in the position of Gas Industry National Councillor such vacancy may be filled by appointment by a meeting comprising the members of every Executive Committee of the Gas Industry Sub-Branches of a member eligible to nominate for and hold the office in accordance with this rule.
- (iii) The casual vacancy, as the case may be, shall be filled subject to the following:
  - (1) The member so appointed shall hold office in accordance with the rules for so much of the unexpired part of the term of office as does not exceed -
    - a) 12 months; or
    - b) three-quarters of the term of the office,whichever is the greater.
  - (2) Where the unexpired part of the term of the office exceeds that specified by sub-Rule (1), the vacancy may be filled by election in accordance with this rule.
  - (3) In this rule -

'term' in relation to the office means the total period for which the last person elected to the office by an election (other than an election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office in accordance with the rules without being re-elected.

(h) Miscellaneous

- (i) The Union shall ensure that each Gas Industry Sub-Branch is adequately resourced to enable it to properly service its members.
- (ii) The Union shall ensure all equipment which, prior to the amalgamation day, was property owned by The Federated Gas Employees Industrial Union, is properly maintained and replaced when necessary.
- (iii) The building located at 25 Chief Street Brompton, South Australia and all equipment located therein on the amalgamation day and thereafter shall be used exclusively by the South Australian Gas Industry Sub-Branch unless the Executive Committee of the South Australian Gas Industry Sub-Branch determines otherwise.
- (iv) The Union shall provide to each Gas Industry Sub-Branch resources including research, occupational health and safety, educational, administrative and advocacy services together with assistance to ensure Gas Industry Sub-Branches distribute publications to members on a regular basis. The Gas Industry Sub-Branches shall provide assistance to other sections of the Union when such assistance is requested and such requests are reasonable.
- (v) Each Branch of the Union shall ensure that delegations from the Branch to the Australian Labor Party and Trades Hall Councils include representation from each Gas Industry Sub-Branch in proportion to each Sub-Branch's membership and in any event, will include at least one representative from each Gas Industry Sub-Branch.
- (vi) Union members cannot be transferred to or transferred from a Gas Industry Sub-Branch without the prior approval of the relevant Gas Industry Sub-Branch Executive Committee.
- (vii) No amalgamation between the Union and any other Union will adversely affect the structure or operation of any Gas Industry Sub-Branch without prior consultation with the relevant Sub-Branch or Sub-Branches.
- (viii) The Gas Industry Sub-Branches shall have autonomy in all matters affecting the Gas Industry Sub-Branch and/or their members.
- (ix) Members of each Gas Industry Sub-Branch shall make an annual contribution of an amount to be decided from time to time by the relevant Gas Industry Sub-Branch Executive Committee and payable in such manner as decided from time to time by the Gas Industry Sub-Branch Executive Committee. Provided that such amount shall be no less than the amount of fees payable pursuant to rule 8.

(i) Meetings

- (i) Ordinary meetings of each Gas Industry Sub-Branch Executive Committee shall be regularly held in a time and place determined by it. Provided such ordinary meetings shall be effectively held at least every six months. The quorum for a meeting of the Executive Committee shall be a majority of those entitled to vote.
- (ii) After each Gas Industry Sub-Branch general election the Gas Industry Sub-Branch Executive Committee shall meet within fourteen days of its members taking over their respective offices.
- (iii) Such meetings may be conducted by telephone, radio, or any other method by which members of the Gas Industry Sub-Branch Executive Committee are able to communicate orally with each other without being physically present.

- (iv) Special meetings of a Gas Industry Sub-Branch Executive Committee shall be held from time to time to determine any matter which requires urgent attention. This special meeting shall be convened by the Sub-Branch Secretary by written notice to each member of the Gas Industry Sub-Branch Executive Committee. Such notice shall clearly show the time and place of the meeting and the nature of the business to be determined and it shall be conveyed by hand or telegram or postal mail provided the method of conveyance used shall have regard to the time and place of the meeting.
- (v) Provided also that where a matter requires urgent attention special meetings may be conducted by telephone, radio or any other method by which members of the Gas Industry Sub-Branch Executive Committee are able to communicate orally with each other without being physically present.

The Gas Industry Sub-Branch Secretary shall act to convene special meetings when the events set out hereunder arise:

- (1) When the Sub-Branch Chairperson and the Sub-Branch Secretary agree a meeting is desirable and necessary.
- (2) When a majority of members of the Gas Industry Sub-Branch Executive Committee make a written request to the Sub-Branch Secretary or the Sub-Branch Chairperson.

Provided if the Sub-Branch Secretary is unable or fails otherwise to convene a special meeting the Sub-Branch Chairperson is empowered to act for that purpose.

Unless otherwise decided by the Sub-Branch Chairperson and the Sub-Branch Secretary, all special meetings referred to herein shall be held at the registered office of the Gas Industry Sub-Branch.

Notwithstanding any of the foregoing provisions of this clause, the Sub-Branch Secretary and/or the Sub-Branch Chairperson and/or a Gas Industry Sub-Branch Executive Committee at its ordinary meeting, shall have the power to call a special meeting of the Gas Industry Sub-Branch Executive Committee to deal with urgent and/or outstanding matters.

- (vi) Ordinary general meetings of members of all Gas Industry Sub-Branches shall be held on a date to be determined by the Gas Industry Sub-Branch Executive Committee. Such meetings shall be held at intervals of not longer than six months. At all such meetings, twenty members of a Gas Industry Sub-Branch shall form a quorum. An ordinary general meeting shall be summoned by the placing of a circular on notice boards at least 14 days prior to the holding of the meeting.
- (vii) A special meeting of members of a Gas Industry Sub-Branch may be called at any time by the Sub-Branch Secretary or Sub-Branch Chairperson, by advertisement in a daily newspaper circulating throughout the area of the Sub-Branch. The Sub-Branch Chairperson or Sub-Branch Secretary shall, on written request by a majority of the members of the Sub-Branch Executive Committee call a special meeting.
- (viii) No member shall be permitted to move or second any motion or vote on any motion at the Sub-Branch meeting unless he or she is a member of the Gas Industry Sub-Branch.
- (ix) It shall be a breach of these rules for members of the Gas Industry Sub-Branches to assemble for the purpose of transacting union business at meetings other than those authorised by the Gas Industry Sub-Branch Executive Committee.
- (x) The National Secretary or the Branch Secretary may attend any Gas Industry Sub Branch Executive Committee Meeting but is not empowered to propose any motion or exercise a vote at such meetings.

91. Penalties

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(j) Plebiscites

- (i) A plebiscite of all members of the Sub-Branch shall be held if requested by not less than 15% of the financial members of the Sub-Branch. Any such plebiscite shall be conducted by secret postal ballot by the Branch Returning Officer, who shall report the result of the ballot to the first meeting of the Sub-Branch Executive Committee held after the conclusion of the counting of the votes cast. The Sub-Branch Executive Committee shall be bound by the result of the plebiscite.

**91. Penalties**

- (1) A Member who is charged in writing by another Member with:

- (a) failing to comply with the Rules, including the objects;
- (b) failing to comply with a lawful resolution of the Union of which the Member charged has had previous notice in writing; or
- (c) inducing or assisting a Member who is Eligible to resign as a Member;

may be summoned to a special meeting of National Council, the National Committee of Management or the relevant Branch Committee of Management to explain that conduct.

- (2) A Member summoned in accordance with sub-rule (1) who:

- (a) fails to attend the meeting without a reasonable excuse; or
- (b) where the meeting after proper inquiry is satisfied that the charge is made out - fails to give a satisfactory explanation for the conduct;

may be:

- (c) Fined not more than \$100;
- (d) suspended from any position held within the Union, subject to rules 44 and 45; or
- (e) expelled from the Union;

at the special meeting of the body.

- (3) A Member who:

- (a) signs a petition in accordance with sub-rule 45(3);
- (b) fails to attend the general meeting called as a result of the petition; and
- (c) has no a reasonable excuse;

must be Fined not more than \$100 by the relevant Branch Committee of Management.

- (4) (a) A Member expelled by the National Committee of Management or a Branch Committee of Management may, within 14 days of being expelled, appeal in writing to National Council.
- (b) The expelled Member must state in writing the grounds of the appeal.

## 92. Definitions

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- (c) A report in writing setting out of the relevant facts and the reasons for the expulsion must be given to National Council:
    - (i) in the case of expulsion by the National Committee of Management - by the National Secretary; or
    - (ii) in the case of expulsion by a Branch Committee of Management - by the relevant Branch Secretary.
  - (d) The National Secretary must send a copy of the appeal and of the report referred to in paragraph (c) to each National Councillor.
  - (e) A postal ballot of National Councillors must be conducted to consider whether or not to uphold the appeal.
  - (f) If the appeal is upheld, the expelled Member is reinstated.
  - (g) The National Secretary must provide a report in writing to the expelled Member and to the relevant Branch Secretary (if any) of the decision of National Council.
  - (h) Each action required to be taken in accordance with this sub-rule must be taken within 14 days of the action being able to be taken.
- (5) In no case may ignorance about the Rules be accepted as a reason for acting contrary to the Rules.
  - (6) A meeting of a Branch Committee of Management held in accordance with sub-rule (2) is deemed to be a general meeting of the Branch.
  - (7) The rules of natural justice apply at meetings of National Council, the National Committee of Management, and a Branch Committee of Management under this rule.
  - (8) A two-thirds majority of those members present and voting is required to pass any resolution of National Council, the National Committee of Management or a Branch Committee of Management under this rule.

### **92. Definitions**

- (1) In the Rules (other than in Rule 90 and Annexures A & B), unless inconsistent with the context, the following terms have the following meanings:
  - (a) "Annual Fee" means the Annual Fee whether in full or such other amount as may be required to be paid by Members to the Union in accordance with rule 8;
  - (b) "Application Form" means the application form for Membership set out in Annexure C or a form utilised in accordance with sub-rule 5(2);
  - (c) "board" means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.
  - (d) "Branch" means a branch of the Union constituted in accordance with rule 16 or 17;
  - (e) "Branch Office" means the office of a Branch located in accordance with sub-rule 82(2);
  - (f) "Clearance Certificate" means a certificate in the form set out in Annexure E;
  - (g) "disclosure period" For the purpose of these rules means the financial year unless a shorter period is specified.

- (h) "declared person or body" A person is a declared person or body if:
- (i) an officer of the Union or a branch has disclosed a material personal interest under rule 82A or 82B ; and
  - (ii) the interest related to, or is in, the person or body; and
  - (iii) the officer has not notified the Union or branch that the officer no longer has the interest.
- (i) "Dues" means any amount due to the Union from a Member as an Annual Fee, Alternate Annual Fee, Fine or Levy, or which was so due;
- (j) "Effective Membership" means the number, as calculated on 31 December in the previous year, that equals the total income in that year received from Members (or Members enrolled in a Branch, as the case may be) through Dues divided by the Annual Fee;
- (k) "Eligible" means eligible to become a Member of the Union in accordance with the conditions of eligibility for Membership set out in Annexure B;
- (l) "Employed" means:
- (i) having as a usual occupation that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits described in Annexures A and B; or
  - (ii) employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits described in Annexures A and B in the State of New South Wales, Queensland, South Australia or Western Australia who:
    - (A) in the case of a person so employed or engaged in New South Wales - is, or is able to become, a member of an industrial union of employees within the meaning of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time up to and including 30 April 1984;
    - (B) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time up to and including 31 December 1981;
    - (C) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time up to and including 31 December 1981;
    - (D) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time up to and including 31 December 1981.
- and "Employment" has a corresponding meaning;
- (m) Intentionally blank;
- (n) "financial duties" includes duties that relate to the financial management of the Union or a branch.
- (o) "General Manager" means the General Manager of the Fair Work Commission.



- (p) "National Office" means the office of the Union located in accordance with sub-rule 82(1);
- (q) "Financial Member", subject to any deeming provision to the contrary, means a Member who has paid:
  - (i) all Dues due and payable under the Rules, and
  - (ii) since the commencement of Membership, Annual Fees of at least an amount equivalent to 8/52 of the Annual Fee specified in sub-rule 8(1) or an amount equivalent to 8/52 of the Alternate Annual Fee specified in sub-rule 8(1A).
- (r) "Financial Year" means the period of 12 calendar months commencing on 1 January and ending on 31 December;
- (s) "Fine" means a fine imposed on a Member in accordance with the Rules;
- (t) "General Fund Account" means the account established in accordance with sub-rule 75(5);
- (u) "Industry" means the industry described in Annexure A;
- (v) "Levy" means a levy to be paid by a Branch or a Member in accordance with rule 74
- (w) "Member" means member of the Union, and "Membership" has a corresponding meaning;
- (x) "non-cash benefit" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- (y) "Offence against the Union" has the meaning given in rule 43;
- (z) "Officer" means a person elected under the Rules, or a full-time paid employee of the Union whose work is of an industrial, professional or legal nature, including an Organizer;
- (aa) "peak council" has the same meaning as defined by section 12 of the *Fair Work Act 2009*.
- (bb) "office" has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009
- (cc) "officer" has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009
- (dd) "Registered" means registered with the Australian Industrial Relations Commission in accordance with the Workplace Relations Act;
- (ee) "related party" has the same meaning as defined by section 9B of the Fair Work (Registered Organisation) Act 2009.
- (ff) "relative" in relation to a person, means:
  - (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
  - (ii) the spouse of the first mentioned person.

92. Definitions

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- (gg) "relevant remuneration" in relation to an officer of the Union or a branch for a disclosure period is the sum or the following:
    - (i) any remuneration disclosed to the Union or branch by the officer under rules 82A(1), 82B(1) during the disclosure period;
    - (ii) any remuneration paid, during the disclosure period, to the officer by the Union or branch;
  - (hh) "relevant non-cash benefits" in relation to an officer of the Union or a branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union or branch or by a related party of the Union or branch.
  - (ii) "remuneration"
    - (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
    - (ii) does not include a non-cash benefit; and
    - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.
  - (jj) "Rules" means mean the Rules of the Transport Workers' Union of Australia as Registered in accordance with the Workplace Relations Act;
  - (kk) "State or Territory" means a State or Territory of the Commonwealth of Australia;
  - (ll) "Sustentation Fees" means the fees to be paid by Branches to National Council in accordance with paragraph 72(2)(a);
  - (mm) "Unfinancial Member" means a Member who is not a Financial Member in accordance with rule 10;
  - (nn) "Union" means Transport Workers' Union of Australia, an organization Registered in accordance with the Workplace Relations Act; and
  - (oo) "Workplace Relations Act" means the Commonwealth Workplace Relations Act 1996 or any legislation which replaces it.
  - (a1) "Alternate Annual Fee " means the Annual Fee to be paid by Members to the Union in accordance with rule 8(1A).
  - (aa1) "Pilot" means a person employed or engaged as pilots on airline services within, or extending beyond, the Commonwealth of Australia.
  - (aa2) "Gig worker" means an employee like worker who obtains work through a digital platform, such as a mobile application or website.
- (2) In the Rules:
- (a) The singular includes the plural and vice versa;
  - (b) Headings are inserted for ease of reference and do not affect the interpretation of the Rules;
  - (c) The definitions referred to in sub-rule (1) only apply to the relevant word where its first letter is a capital;
  - (d) A reference to the Rules or another instrument (including legislation) includes any variation or replacement of either of them;

## 95. Interim Representation and Governance Structure for Queensland Members

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- (e) If a period of time is specified and dates from a given day or the day of an act or event, it must be calculated exclusive of that day;
- (f) A reference to a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later; and
- (g) The requirement for a person to perform a function is satisfied if that person causes the function to be performed by another, unless a contrary intention appears in the Rules.

### **93. Intentionally blank**

### **94. Intentionally blank**

## **95. Interim Representation and Governance Structure for Queensland Members**

- (1) The purpose of this rule is to provide an interim representation and governance structure for Queensland members by the NSW/Qld (Interim Governance) Branch in accordance with the TWU Qld Interim Governance Stewardship Principles until National Council re-establishes a stand-alone Queensland Branch.
- (2) This rule:
  - (a) will commence operating on and from 23 July 2021;
  - (b) applies notwithstanding any other rule. For the sake of clarity, this rule prevails in the event of an inconsistency with other rules relating to the subject matter of this rule; and
  - (c) will cease to have effect on and from the date the National Council re-establishes a stand-alone Queensland Branch.
- (3) The interests of TWU members generally, and in particular those based in Queensland, are the overriding concern, including ensuring the seamless continuation of high-level service and campaigning support.
- (4) National Council will re-establish a Branch in Queensland as soon as it is satisfied that a Branch could operate in an appropriate, effective and stable manner for the benefit of TWU members.
- (5) Until a Queensland Branch is re-established, the National Council will have a stewardship role through its oversight of the NSW/QLD (Interim Governance) Branch governance of Queensland operations in accordance with the TWU Qld Interim Governance Stewardship Principles.
- (6) All persons who were non-elected employees of the disbanded Queensland Branch will continue their employment with full continuity of service in the NSW/QLD (Interim Governance) Branch unless the Branch Secretary terminates their employment.

### **Governance**

- (7) The NSW/QLD (Interim Governance) Branch Secretary must regularly report to the National Committee of Management and National Council as part of the stewardship to keep the National Committee of Management, and National Council apprised of the interests of Queensland based members and assets, property and funds formerly belonging to the Queensland Branch.
- (8) National Council and NCOM will continue to have an active oversight role in relation to the interim governance arrangements for the benefit of Queensland based members.

### **Autonomy**

- (9) Assets, property, and funds formerly belonging to the disbanded Queensland Branch can only be used in a manner that is of assistance and benefit to Queensland based members.
- (10) All assets, property and funds formerly belonging to the disbanded Queensland Branch will be accounted for as of 23 July 2021.

- (11) All assets, property and funds formerly belonging to the disbanded Queensland Branch, including future membership payments of Queensland based members, will be separately maintained and accounted for.
- (12) Membership and administrative systems, including separate financial ledgers, for Queensland based members, will be separately maintained.

## **96. Workplace Delegates**

### **Workplace delegates and co-delegates**

- (1) There should be a union delegate or delegates at workplaces, enterprises, or businesses where Union members work. Union delegates will be members of the Union who will perform the important role of representing the interests of Union members and the Union.
- (2) There may be a union co-delegate or co-delegates at workplaces, enterprises, or businesses where Union members perform work. Union co-delegates will be members of the Union who will perform the important role of assisting the workplace delegate or delegates in representing the interests of Union members and the Union.

### **Election and appointment of workplace delegates**

- (3) Workplace delegates will be elected or appointed to represent the interests of Union members at workplaces, enterprises or businesses as determined by the Union from time to time.
- (4) The Branch Secretary (or their nominee) of the Branch of the Union where the workplaces, enterprises or businesses are located (“Relevant Branch”) will, at their absolute discretion, determine the location of the workplace(s), enterprise(s) or business (es) that workplace delegates are to represent.
- (5) The Branch Secretary (or their nominee) of the Relevant Branch will determine the number of workplace delegates for a particular workplace (s), enterprise(s) or business(es).
- (6) Workplace delegate(s) will be elected by a majority of Union members who work at the particular workplace(s), enterprise(s) or business(es) at a meeting of those Union members. The meeting will be conducted by a Branch Organiser, Branch Officer or other person nominated by the Branch Secretary of the Relevant Branch (or their nominee).
- (7) The Branch Secretary of the Relevant Branch may, at their absolute discretion, determine not to endorse the election of a workplace delegate. In the event the Branch Secretary determines not to endorse the election of a workplace delegate, the person will be taken not to have been elected in accordance with this Rule.
- (8) Despite sub-rule (6), the Branch Secretary of the Relevant Branch may, at their discretion, appoint members of the Union who work at particular workplaces, enterprises, or businesses to be workplace delegate(s) for that workplace(s), enterprise(s) or business(es).
- (9) A duly elected or appointed delegate will be recorded by the Relevant Branch in a form and manner deemed appropriate by the Relevant Branch.
- (10) Non-compliance with sub-rule (9) will not invalidate the position of a member elected or appointed as a delegate.

### **Workplace co-delegates**

- (11) Workplace co-delegates will be elected or appointed to represent the interests of Union members at workplaces, enterprises or businesses as determined by the Union from time to time.

- (12) The Branch Secretary (or their nominee) of the Relevant Branch will, at their absolute discretion, determine the location of the workplace(s), enterprise(s) or business (es) that workplace co-delegates are to represent.
- (13) The Branch Secretary of the Relevant Branch (or their nominee) where the workplaces, enterprises, or businesses are located will, at their absolute discretion, determine whether there will be a co-delegate or co-delegates for the particular workplace(s), enterprise(s), or business(es), and the number of those delegates.
- (14) Workplace co-delegates will be elected by a majority of Union members who work at the particular workplace(s), enterprise(s) or business(es) the co-delegate is to represent at a meeting of those Union members. The meeting will be conducted by a Branch Organiser, Branch Officer or other person nominated by the Branch (or their nominee).
- (15) The Branch Secretary of the Relevant Branch may, at their absolute discretion, determine not to endorse the election of a co-delegate. In the event the Branch Secretary determines not to endorse the election of a delegate, the person will be taken not to have been elected in accordance with this Rule.
- (16) Despite sub-rule 14, the Branch Secretary of the Relevant Branch may, at their absolute discretion, appoint members of the Union who work at particular workplaces, enterprises, or businesses to be workplace delegate(s) for that workplace(s), enterprise(s) or business(es).
- (17) A duly elected or appointed co-delegate will be recorded by the Relevant Branch in a form and manner deemed appropriate by the Relevant Branch.
- (18) Non-compliance with sub-rule (12) will not invalidate the position of a member elected or appointed as a delegate.

**Functions, responsibilities and duties of workplace delegates and co-delegates**

- (19) The functions and responsibilities of a workplace delegate in relation to the appointed include representing the industrial interests of Union members and the industrial interests of other persons eligible to be members of the Union.
- (20) Amongst other things, the functions and responsibilities of workplace delegates include, but are not limited to:
  - (a) representing members and persons eligible to be members of the Union in relation to disciplinary matters;
  - (b) representing members and persons eligible to be members of the Union and the Union in enterprise bargaining;
  - (c) representing members and persons eligible to be members of the Union and the Union in disputes, both individual and collective;
  - (d) representing members and persons eligible to be members of the Union and the Union in relation to matters concerning health (including both physical and psychological health) and safety;
  - (e) attending legal proceedings, including proceedings before the Fair Work Commission; and
  - (f) performing other representative functions in relation to members and persons eligible to be members of the Union and in relation to the Union from time to time.

- (21) The functions and responsibilities of a co-delegate are to assist the delegate or delegates in performing their functions and, in the event a workplace delegate or delegates are absent or otherwise unable to perform their functions, to exercise the functions and responsibilities of a workplace delegate.
- (22) Workplace delegates and co-delegates are representatives of the Union and must, at all times, in discharging their representative functions and responsibilities:
- (a) comply with any policies of the Union as in force from time to time;
  - (b) comply with any directions or instructions of the Branch Secretary or their nominee;
  - (c) conduct themselves in a manner that reflects well on the Union; and
  - (d) refrain from conduct that brings, or has the capacity to bring, the Union into disrepute.
- (23) A delegate or co-delegate must produce, at the request of the Branch Secretary of the Relevant Branch (or their nominee), a report about matters specified by the Branch Secretary (or their nominee).

**Removal of workplace delegates and co-delegates**

- (24) The Branch Secretary may determine to remove a workplace delegate or co-delegate from their position if the if the Branch Secretary believes that the delegate or co- delegate:
- (a) has not appropriately discharged their functions;
  - (b) has neglected their duties
  - (c) has committed a breach of the Rules or an applicable policy of the Union;
  - (d) has engaged in misbehaviour; or
  - (e) has engaged in conduct that brings or has the capacity to bring the Union into disrepute.

**ANNEXURE A - DESCRIPTION OF INDUSTRY IN CONNECTION WITH WHICH THE UNION IS REGISTERED**

- (a) In or in connexion with road or aerial transport, delivery of milk, sanitary carting, mechanical excavation of earthworks and mechanical or animal-power haulage or driving industries but not so as to include the industries of transport by water, transport by Railways (except the despatch to or from railways of goods and the necessary loading or unloading operations connected therewith and shunting operations by horse-power), tramways passenger transport, driving of stationary engines, driving of passenger lifts, and driving of agricultural machines and implements in use for agricultural pursuits.

AND the industry of chauffeurs, conductors, and attendants on or about motor vehicles and employees engaged in and about garages, motor stables, and other similar places in the repair and maintenance of motor vehicles or as attendants.

- (b) (i) the production, sale and distribution of
- (1) gas including refined and residue oil gas, and
  - (2) by-products of that industry and goods from the products of that industry, including coke, tar, pitch fuel, sulphate of ammonia and benzol;
- (ii) In bottling, packing, delivering, installing and maintaining all or any types of gas, including liquified petroleum gas, propane and butane used for all purposes;
- (iii) In the production, piping, reticulation, distribution and sale of all or any types or forms of natural gases.

**ANNEXURE B - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP**

- (A) (1) The Union shall consist of an unlimited number of persons employed or seeking to be employed in or in connexion with the industry or industries, and/or occupation, and/or calling, and/or vocations, and/or industrial pursuits of:
- (a) The transport of persons and/or passengers, and/or goods, wares, merchandise, or any material whatsoever, by or on vehicles or animals or by aircraft or by motor, steam, oil, electric or other mechanically-propelled contrivances; drivers, assistants and conductors of same, and stable work wheresoever performed, including the work of attendance on horses and other beasts of burden, whether in stables or otherwise; all yard and garage cleaning and other work in connexion with driving and transport, including, washing, greasing, oiling, cleaning, polishing, tyre-fitting and general attendance on horse or mechanically-propelled vehicles and mechanical contrivances, training and breaking-in of horses, loading and unloading on to and/or from any vehicle; shunting by horse-power, supervising and collecting moneys, or washing cans in connexion with the distribution of milk, working in pits, tarring and washing pans, ploughing in of night soil, digging trenches and burying soil in connexion with sanitary work, ploughing in conjunction with the construction and excavation of earthworks; and
  - (b) All driving; and
  - (c) Chauffeurs, Conductors, and Attendants on or about motor vehicles, and employees engaged in and about Garage, Motor Stables, and other similar places in the repair and maintenance of motor vehicles, or as attendants.
- (A) (2) For the purposes of this rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:
- (i) his or her usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits; or
  - (ii) he or she is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who-
    - (a) in the case of a person so employed or engaged in New South Wales - is, or is able to become, a member of an industrial union of employees within the meaning of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time up to and including 30 April 1984;
    - (b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time up to and including 31 December 1981;
    - (c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time up to and including 31 December 1981;
    - (d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time up to and including 31 December 1981.



- (A) (3) Until amalgamation be effected with other organizations or associations of employees engaged in transport all persons engaged in the following classes of work shall not be eligible for membership in the organization, namely-
- (i) Transport on water;
  - (ii) Transport on railways other than despatching of goods to railway goods sheds, depots, stations and other like places, taking delivery of goods from such places, handling of goods, such as loading and unloading into and from railway trucks, store yards, or wharves, and shunting operations by horse power;
  - (iii) Tramways passenger transport;
  - (iv) The driving of stationary engines;
  - (v) The driving of passenger lifts; and
  - (vi) The driving of agricultural machines and implements in use for agricultural pursuits.
- (B) The Union shall also consist of such other persons as are elected officers of the Union and admitted as members thereof.
- (C) The Union shall also consist of such members who have been granted honorary membership after being elected to parliamentary or local government positions or after twenty years good standing in the Union, provided that the persons referred in both categories are not then engaged in the industry.
- (D) The Union shall also consist of such independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for Membership of the Union.
- (E) The Union shall also consist of such persons (other than employees) who:
- (a) are, or are able to become, members of an industrial Union of employees within the meaning of the Industrial Arbitration Act, 1940, of New South Wales;
  - (b) are employees for the purposes of the Industrial Conciliation and Arbitration Act 1961 of Queensland;
  - (c) are the employees for the purposes of the Industrial Relations Act 1979 of Western Australia; or
  - (d) are employees for the purpose of the Industrial conciliation and Arbitration Act, 1972 of South Australia.
- and who if they were employees would otherwise be eligible for membership of the Transport Workers Union of Australia.

- (F) The Union shall also consist of an unlimited number of persons not eligible to be members of the Union under paragraphs (A)-(E) inclusive of Annexure B, wheresoever employed in the Gas Industry throughout the Commonwealth of Australia -
- (i) In or in connection with the production, sale and distribution of-
    - (a) gas including refined and residue oil gas, and
    - (b) by-products of that industry and goods from the product of that industry including coke, tar, pitch fuel, sulphate of ammonia and benzol;
  - (ii) In bottling, packing, delivering, installing and maintaining all or any types of gas, including liquified petroleum gas, propane and butane used for all purposes;
  - (iii) In the production, piping, reticulation, distribution and sale of all or any types or forms of natural gases.

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**ANNEXURE C - APPLICATION FORM**

**Transport Workers' Union of Australia**

**Application Form**

I.....hereby make application to become a member of the Transport Workers' Union of Australia, and agree to comply with the Rules of such Union and to any alterations and amendments that may be made from time to time.

Signature.....

Address.....

Phone Number.....

Facsimile.....

Email.....

Type of Work (e.g. Courier Driver, Baggage Handler).....

Employment Status (e.g. Full Time, Casual).....

Are You an Owner Driver ? .....

Employed By .....

Work Address.....

Date of Birth.....

Gender (M/F).....

Main Language.....

Witness.....

Date.....

---

**ANNEXURE D - HONORARY MEMBERSHIP CERTIFICATE**

(Union Seal)

**Transport Workers' Union of Australia**

.....**Branch**

**HONORARY MEMBERSHIP CERTIFICATE**

presented to

.....

A Mark of Esteem to Commemorate his/her period of Membership in the Union

from.....to.....

.....President.....Secretary

ANNEXURE E - CLEARANCE CERTIFICATES

1. For the Transferring Member

Transport Workers' Union Of Australia

(.....Branch)

No.....

.....19

CLEARANCE CERTIFICATE

Issued to

.....

.....

Transferring to

.....Branch/Union

Issued by.....

2. Addressed to the Receiving Secretary

Transport Workers' Union of Australia

(.....Branch)

No.....

.....19

The Secretary,

.....Branch/Union

Please note that I have this day issued a clearance to:

Mr.....

of.....

who is a financial member of the Union and is clear on our books

until..... to your Branch/Union.

Fraternally,

.....Branch Secretary

Per.....

**3. Addressed to Whom it May Concern**

**Transport Workers' Union of Australia**

(.....Branch)

No.....

.....19

**CLEARANCE CERTIFICATE**

This is to certify that

Mr/Mrs/Ms.....

is a financial member of the Union and is clear on books to

.....

He/She desires a clearance

to.....

Branch/Union.

.....Branch Secretary

Per.....

**ANNEXURE F - SPECIAL RULE - NEW SOUTH WALES BRANCH**

**1. Application Form and Admission**

- (1) Between the date on which this Special Rule is certified by the Industrial Registrar and 31 December 1979 every applicant for Membership of the Union who is Eligible to become a Member pursuant to rule 4 and who is also a member of the Transport Workers' Union of Australia, New South Wales Branch, an industrial union of employees registered under the Industrial Arbitration Act 1940, (hereinafter called "the State Trade Union") shall fill in and sign an Application Form as set out in Annexure C which shall be forwarded to the Secretary of the New South Wales Branch. Provided the said Application Form is received by the Secretary, such applicant for admission shall become a Member of the Union immediately upon signing the said Application Form. No applicant shall be liable to pay any contribution in respect of the period of his or her Membership of the Union prior to 31 December 1979.
- (2) For the purpose of this rule every applicant for Membership of the Union who applies at or about the same time for membership of the State Trade Union and who becomes a Member of each organization pursuant to the respective Rules thereof shall be deemed to have first become a member of the State Trade Union and to be a member thereof at the time of becoming a Member of the Union.

**2. Intentionally blank**

**3. Contributions**

- (1) The New South Wales Branch Secretary must pay from the New South Wales Branch to National Council sustentation fees for 2013 and each subsequent year, an amount equal to 12.69% of income received as Annual Fees from all members of the Union in the New South Wales Branch.
- (2) Payment of annual contribution fees to the State Trade Union pursuant to its rules by members of the Union who are also members of the State Trade Union shall be deemed to constitute payment to the Union of all annual fees payable under these Rules.
- (3) annual contribution fees received by the State Trade Union pursuant to its rules from members of the Union who are also members of the State Trade Union shall be deemed to be income received as Annual Fees by the New South Wales Branch of the Union from members of the Union for the purposes of sub-rule 3(1) of Annexure F above.

**4. Levies**

After 1 January 1980 each Member of the Union who is also a member of the State Trade Union shall pay all Levies imposed pursuant to rule 74.

**5. Unfinancial Members**

After 1 January 1980 each Member of the Union who is also a member of the State Trade Union who fails to pay contributions or Levies as prescribed herein shall be deemed to be Unfinancial until all such contributions or Levies have been paid.

**6. Cessation of Membership in the Union**

Any Member of the Union who leaves the Industry and accepts Employment for a period in excess of six months continuously in an industry not represented by this Union may have his or her Membership of the Union cancelled.

**7. New South Wales Branch Committee of Management**

The New South Wales Branch Committee of Management shall consist of the Branch Secretary-Treasurer and seventeen Committeemen being representative of the Sub-Branches; each Sub-Branch shall be represented by the following number of Representatives:

- (1) As and from the next quadrennial election due to be held in 1999 for members of each Sub-Branch Executive Committee:-
  - (a) Sydney and Central Sub-Branch 7 Representatives
  - (b) Newcastle and Northern Sub-Branch 4 Representatives
  - (c) South Coast and Southern Sub-Branch 4 Representatives.
- (2) As and from the date of the approval by the Industrial Registry of the alteration of the rules by National Council on 20 December 2000:-
  - (a) Sydney and Central Sub Branch 7 Representatives
  - (b) Newcastle and Northern Sub Branch 4 Representatives
  - (c) South Coast and Southern Sub Branch 4 Representatives
  - (d) Canberra Sub Branch 2 Representatives

**8. Sub-Branches**

- (1) The Branch shall be divided into Sub-Branches which shall consist of all Members resident in each particular area of each Sub-Branch, as determined by the Branch Committee of Management from time to time. The Sub-Branches shall be constituted as follows:

- (a) There shall be four Sub-Branches to be known respectively as Sydney and Central, Newcastle and Northern, South Coast and Southern, and Canberra. The membership and boundaries of these Sub-Branches shall be:

Sydney and Central

The membership and boundaries of the Sydney and Central Sub-Branch in the New South Wales rules of the New South Wales registered Transport Workers' Union.

Newcastle and Northern

The membership and boundaries of the Newcastle and Northern Sub-Branch in the New South Wales rules of the New South Wales registered Transport Workers' Union.

South Coast and Southern

The membership and boundaries of the South Coast and Southern Districts Sub-Branch in the New South Wales rules of the New South Wales registered Transport Workers' Union with the exclusion of all members residing within the areas covered by the postcodes 2618, 2619, 2620 and 2621.



Canberra Sub-Branch

The membership and boundaries of the Canberra Sub-Branch shall include all members residing in the Australian Capital Territory and all members residing within the areas covered by the postcodes 2618, 2619, 2620 and 2621.

- (b) As and from the date of the approval by the Industrial Registry of the alteration of the rules by National Council on 20 December 2000, there shall be a further Sub Branch known as the Canberra Sub Branch. The membership and boundaries of the Canberra Sub Branch shall be those members resident within the boundaries of the former Canberra Branch.
- (2) Should the Branch Committee agree to form or resolve to disband a Sub-Branch or amalgamate a Sub-Branch they shall take all lawful means to do so. The formation of a new Sub-Branch shall not debar any Member of the Union from having the right to join such Sub-Branch as a Member, provided he or she is Eligible for Membership under the Rules. Such Sub-Branched shall operate within such Areas and the office of such Sub-Branch shall be established in such town as may be determined by the Branch Committee of Management.
- (3) The Sub-Branch Executive Committee shall consist of the Chairman, Vice-Chairman, Secretary, Minute Secretary, and a number of Committeemen to be determined by the Branch Committee of Management. The maximum number of Committeemen is to be eight, with a minimum of six (unless otherwise resolved by a two-thirds majority of the Branch Committee of Management).
- (4) The Sub-Branch Executive Committee shall control the domestic business of the Sub-Branch.
- (5) Such business shall not conflict with policies laid down by the Branch Committee of Management on behalf of the Branch and/or the Rules of the Union and be subject to ratification at general or special meetings of the Sub-Branch and/or Branch Committee of Management.

**9. Election of Committeemen and Branch Secretary-Treasurer**

- (1) Elections shall be held in 2010 and every four years thereafter for the said Committeemen in which only Members enrolled in the Sub-Branch otherwise eligible shall be entitled to nominate and vote. Such election shall be held in accordance with Rule 60.

**10. Election of Branch Officers**

- (1) Within twenty-eight days of 10 January 2023 and 10 January of every fourth year after that, the New South Wales Branch Committee of Management shall meet and shall elect by and from the members thereof the following Officers: The Branch Secretary-Treasurer, the Branch President, Branch Vice-President, one or two Branch Assistant Secretaries (the number to be determined by the Committee of Management by resolution immediately prior to the election) and three Branch Trustees. The Branch Returning Officer shall call for nominations at the first session of the meeting immediately after the number of Branch Assistant Secretaries to be elected has been determined. Any Member may nominate any other Member for office. The nominee shall signify either in writing or verbally their willingness to stand for such office. If the Returning Officer finds a nomination to be defective, they shall, before rejecting it, notify the person concerned of the defect and, where it is practicable to do so give them the opportunity of remedying the defect within twenty-four hours.
- (2) In the event of an election being necessary the Returning Officer shall conduct such election by secret ballot.

- (3) If all members of the Committee of Management are present the Returning Officer shall hand each member a Ballot Paper on which the said member shall record his or her vote and return the Ballot Paper to the Returning Officer. After members have voted the Returning Officer shall together with such scrutineers as candidates may have appointed count the votes and declare elected the members who receive the greatest number of votes.
- (4) If all members of the Branch Committee of Management are not present, the Returning Officer shall send to every member of the Committee of Management a ballot paper by priority paid mail and also a stamped envelope addressed to the Returning Officer. Such ballot paper and stamped addressed envelope shall be posed not later than the next day on which the Branch Office is opened for business after receiving the nominations. Ballot papers which are returned by post to the Returning Officer within fourteen days of having been posted by him or her shall be counted immediately upon the expiration of the said fourteen days. The Returning Officer shall thereupon immediately declare elected the members with the greatest number of votes and inform the Branch Secretary of the result of the ballot.
- (5) Any candidate may nominate in writing to the Returning Officer at the time of his or her nomination one Scrutineer. The Scrutineer shall so far as is possible be entitled to observe each step taken in the ballot and every act performed or directed by the Returning Officer which may affect the result of the election and the Returning Officer shall take all reasonable steps to enable each Scrutineer to exercise his or her rights. A Scrutineer shall direct the attention of the Returning Officer to any irregularity he or she may detect and shall do all things necessary so that the conduct of the election shall conform to the Rules and so that the secrecy of the ballot shall be observed.

### **11. Election of Organizer**

The New South Wales Branch Committee of Management may appoint Branch Organizers for a period not exceeding four years. It may decide how many, if any, Branch Organizers shall be elected at any general election. In any such election all Members of the Branch otherwise eligible shall be entitled to nominate and vote.

### **12. Election of Members of Sub-Branch Executive Committee**

- (1) Elections shall be held in 2010 and every four years thereafter for the members of each Sub-Branch Executive Committee in which only Members enrolled in the Sub-Branch otherwise eligible, shall be entitled to nominate and vote.

### **13. Eligibility to Nominate and Hold Office**

- (1) No person shall be eligible to nominate for or hold the office of Committeemen on the Branch Committee of Management unless such person was Financial at the date of his or her nomination and remains Financial during the period of his or her office and who has not worked outside the Industry in connection with which the Union is Registered for a period exceeding six months immediately prior to his or her nomination.
- (2) No person shall be eligible to nominate for or hold the office of Branch Secretary-Treasurer or Branch President unless such person has been a Financial Member for the previous three years and is Financial at the time of nomination and who remains Financial during the period of his or her office and who has not worked outside the Industry in connection with which the Union is Registered for a period exceeding six months immediately prior to his or her nomination.
- (3) No person shall be eligible to nominate for or hold the office of Organizer unless he or she has been a Financial Member of the Union for the previous twelve months and is Financial at the time of his or her nomination and remains Financial during the period of his or her office and who has not worked outside the Industry in connection with which the Union is Registered for a period exceeding six months immediately prior to his or her nomination.

- (4) For the purpose of this rule work in the Industry in connection with which the Union is Registered shall include time worked as a paid official of the Union and/or of the State Trade Union.

#### **14. Membership of the State Trade Union**

Membership of the State Trade Union of persons prior to their becoming Members of the Union as prescribed herein shall be counted as Membership of the Union for all purposes of the Rules of the Union.

#### **15. Finance Committee**

The Branch President, Branch Vice-President, Branch Secretary-Treasurer, Branch Assistant Secretary/ies and Branch Trustees of the New South Wales Branch shall constitute the Branch Finance Committee, whose duty it shall be to act in an advisory capacity to the Branch Committee of Management to bring down financial reports and recommendations for the benefit of the Committee of Management; have power to scrutinise and deal with all accounts to be passed for payment between meetings of the Branch Committee of Management and act on emergency matters between Branch Committee of Management meetings.

#### **16. Meetings - Branch Committee of Management**

- (1) Ordinary meetings of the New South Wales Branch Committee of Management shall be held not less frequently than once each six months at such place and time as may be decided by the Branch President and Secretary-Treasurer; Provided that within 28 days of the declaration of the poll in each general election the Branch Committee of Management shall meet for the purpose of electing the Branch President, Branch Vice-President, 1 or 2 Branch Assistant Secretaries and 3 Branch Trustees as provided in sub-rule 11(1) hereof.
- (2) Special meetings of the Branch Committee of Management shall also be called by the Branch Secretary in accordance with sub-rule 48(3) on the request of a majority of the Sub-Branches. Such requests shall be in writing setting out clearly the business required to be dealt with at such Special meeting.

#### **17. Meetings - Sub-Branches**

- (1) Meetings of the Sub-Branches shall be held as follows:
- (a) As and from the next quadrennial election due to be held in 2022 for members of each Sub-Branch Executive Committee, each Sub-Branch shall meet no less than four times a year on a date, time and place approved of by the Branch Committee of Management.
- (b) In the event that 5% or more of Members in a Sub-Branch write to the Sub-Branch Secretary to request a general meeting, the Sub-Branch Secretary shall arrange such a meeting within 28 days of receiving the written request.
- (c) A special general meeting of Members in a Sub-Branch may be called at any time by the Branch President, Branch Secretary, the relevant Sub-Branch Chairman or the relevant Sub-Branch Secretary.
- (2) No Member of the Union shall be permitted to move or second any resolution, or vote on any resolution at a constituted Sub-Branch meeting, unless he or she is a Financial Member of such Sub-Branch.
- (3) No Member shall be permitted to enter or participate in the business of a Sub-Branch meeting, unless such Member has produced to the Sub-Branch Guardian, his or her Membership badge.

### **18. Meetings - Quorums**

- (1) At all meetings of the New South Wales Branch Committee of Management, a majority of the members thereof shall form a quorum, provided that at least one representative is present at the meeting from each of not less than two Sub-Branches.
- (2) At all Sub-Branch Executive Committee meetings, a majority of the members elected to the Sub-Branch Executive Committee shall form a quorum.
- (3) The quorum of all other Committees and/or meetings shall be constituted if a majority of the Committee is in attendance. Under no circumstances is the quorum required for a Sub-Branch meeting to consist of persons other than Financial Members of the Sub-Branch concerned.

### **19. Rescissions and Recommitments**

Matters decided at Sub-Branch and other meetings shall not again be entertained, unless notice to rescind such matters is handed to the Chairman at a meeting prior to the meeting at which it is proposed to consider the rescission of such matters already decided, provided always that a matter that has been determined may be recommitted at the meeting at which such matter was determined; provided the resolution for recommitment has been resolved by not less than two-thirds of the Members present at the meeting voting in favour of such recommitment.

### **20. Agenda Items**

A Sub-Branch and/or the Branch Committee of Management on its own initiative and/or a member of the Branch Committee of Management may submit in writing items to be placed on the agenda paper of the Branch Committee of Management for consideration at meetings of the Branch Committee of Management.

### **21. Decisions by Correspondence**

- (1) When the New South Wales Branch Committee of Management is not in Session, it shall be competent for the Branch Secretary to obtain a decision of the Committee of Management on any matter by correspondence. Provided that any matter submitted to members of the Branch Committee of Management under this rule shall be clearly stated, and be in the form of a ballot paper, upon which the members

of the Committee of Management shall vote for or against the proposal. Only replies which have been received by the Branch Secretary- Treasurer within fourteen (14) days of the question having been posted to members of the Committee of Management, shall be counted.

- (2) All decisions under this rule shall be reported and recorded in the Minutes at the following Branch Committee of Management meeting. Decisions under this rule shall become effective immediately the counting of the ballot has been completed by the Branch Secretary- Treasurer.

### **23. Transitional Provision – NSW/Qld (Interim Governance) Branch**

- (1) The purpose of this rule is to provide an interim representation and governance structure for Queensland members by the NSW/Qld (Interim Governance) Branch in accordance with the TWU Qld Interim Governance Stewardship Principles until National Council re-establishes a stand-alone Queensland Branch.

## **ANNEXURE F - SPECIAL RULE - NEW SOUTH WALES BRANCH**

### **Rule 23. Transitional Provision – NSW/Qld (Interim Governance) Branch**

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- (2) This sub-rule:
- (a) shall commence operation on 23 July 2021;
  - (b) applies notwithstanding any other rule. For the sake of clarity, this rule prevails in the event of an inconsistency with other rules relating to the subject matter of this rule; and
  - (c) will cease to have effect on and from the date the National Council re-establishes a stand-alone Queensland Branch.
- (3) In Annexure F, the words “NSW Branch” are replaced with the words “NSW/Qld (Interim Governance) Branch”.
- (4) Rule 3(1) in Annexure F is replaced with:
- (1) The NSW/QLD (Interim Governance) Branch Secretary must pay from the NSW/QLD (Interim Governance) Branch to National Council sustentation fees for 2021 and each subsequent year:
    - (a) an amount equal to 12.69% of income received as Annual Fees from all members who reside in NSW and the ACT; and
    - (b) an amount equal to 17.64% of income received as Annual Fees from all members who reside in Queensland.
- (5) Rule 7 of the renumbered rules are replaced with:

#### **7. NSW/Qld (Interim Governance) Branch Committee of Management**

The NSW/Qld (Interim Governance) Branch Committee of Management shall consist of twenty-four to twenty-eight Committeemen being representative of the Sub-Branches and Queensland based members as follows:

- (1) As and from 23 July 2021 to 10 January 2023

(a) Sydney and Central Sub Branch	7 Representatives
(b) Newcastle and Northern Sub Branch	4 Representatives
(c) South Coast and Southern Sub Branch	4 Representatives
(d) Canberra Sub Branch	2 Representatives
(e) Queensland based	7 to 11 Representatives

- (2) As and from the next quadrennial election due to be held in 2022:

(a) Sydney and Central Sub Branch	7 Representatives
(b) Newcastle and Northern Sub Branch	4 Representatives
(c) South Coast and Southern Sub Branch	4 Representatives
(d) Canberra Sub Branch	2 Representatives
(e) Queensland based	7 to 11 Representatives

**Queensland Representation on the NSW/QLD (Interim Governance) Committee of Management**

- (3) As and from the next quadrennial election due to be held in 2022 and every fourth year after that, Members who ordinarily reside in Queensland will elect in accordance with Rule 60, 7 to 11 members of the Branch Committee of Management of the NSW/QLD (Interim Governance) Branch who ordinarily reside in Queensland to represent the interests of Queensland based members (the number to be determined by the Committee of Management by resolution prior to the election).
- (6) Subrule 10(1) of the renumbered rules is replaced with:
- (1) Within twenty-eight days of 10 January 2023 and 10 January of every fourth year thereafter the NSW/Qld (Interim Governance) Branch Committee of Management shall meet and shall elect by and from the members thereof, the following Officers:
- a. Branch Secretary;
  - b. Branch President;  
Branch Vice-President;
  - c. one or two Branch Assistant Secretaries (the number to be determined by the Committee of Management by resolution immediately prior to the election);
  - d. three Branch Trustees based in the NSW or ACT; and
  - e. two Branch Trustees based in Queensland.
- (2) The Branch Returning Officer shall call for nominations at the first session of the meeting immediately after the number of Branch Assistant Secretaries to be elected has been determined. Any Member may nominate any other Member for office. The nominee shall signify either in writing or verbally their willingness to stand for such office. If the Returning Officer finds a nomination to be defective, they shall, before rejecting it notify the person concerned of the defect and, where it is practicable to do so give them the opportunity of remedying the defect within twenty-four hours.
- (7) Add a new subrule 10(1A) of the renumbered rules:
- (1A) Within twenty-eight days of this rule 23 being approved by the Fair Work Commission, the Queensland based members of the NSW/Qld (Interim Governance) Branch Committee of Management shall meet and elect two Branch Trustees based in Queensland from the Queensland based members thereof. Said Branch Trustees will hold office until the two Queensland based Branch Trustees are elected under subrule 1 take office.
- (8) Rule 15 of the renumbered rules are replaced with:

**15. Finance Committee**

**NSW/ACT Finance Committee**

- (a) The Branch President, Branch Vice-President, Branch Secretary-Treasurer, Branch Assistant Secretary/ies and the NSW/ACT based Branch Trustees of the NSW/Qld (Interim Governance) Branch shall constitute the NSW/ACT Finance Committee, whose duty it shall be to act in an advisory capacity to the Branch Committee of Management to bring down financial reports and recommendations relating to the financial affairs of Members based in NSW/ACT for the benefit of the Committee of Management; have the power to scrutinise and deal with all accounts relating to the affairs of Members based in NSW/ACT to be passed for payment between meetings of the Branch Committee of Management and act on emergency matters relating to the affairs of Members based in NSW/ACT between Branch Committee of Management meetings.

**Queensland Finance Committee**

- (b) The Branch President, Branch Vice-President, Branch Secretary-Treasurer, Branch Assistant Secretary/ies and the Queensland based Branch Trustees of the NSW/Qld (Interim Governance) Branch shall constitute the Queensland Finance Committee, whose duty it shall be to act in an advisory capacity to the Branch Committee of Management to bring down financial reports and recommendations relating to the financial affairs of Members based in Queensland for the benefit of the Committee of Management; have the power to scrutinise and deal with all accounts relating to the affairs of Members based in Queensland to be passed for payment between meetings of the Branch Committee of Management and act on emergency matters relating to the affairs of Members based in Queensland between Branch Committee of Management meetings.

- (9) Add a new subrule 15(A) of the renumbered rules:

**15A National Councillors**

- (a) As from the next quadrennial election due to be held in 2022 and every fourth year after that, Members who ordinarily reside in NSW or ACT will elect, in accordance with Rule 60, three (3) National Councillors and one (1) Female Councillor who ordinarily reside in NSW or ACT to represent the interests of NSW and ACT based members on National Council.
- (b) As and from the next quadrennial election due to be held in 2022 and every fourth year after that, Members who ordinarily reside in Queensland will elect, in accordance with Rule 60, three (3) National Councillors and one (1) Female Councillor who ordinarily reside in Queensland to represent the interests of Queensland based members on National Council.
- (c) For the sake of clarity, this subrule prevails in the event of an inconsistency with rules 24(1) and 60(2) of the substantive rules regarding the number and election of National Councillors to represent the interests of NSW, ACT and Queensland based members on National Council.

- (10) Meetings – Members based in Queensland

- (a) In the event that 5% or more of Members based in Queensland write to the Branch Secretary to request a general meeting of members based in Queensland, the Branch Secretary shall arrange such a meeting within 28 days of receiving the written request.
- (b) A special general meeting of members based in Queensland may be called at any time by the Branch President or Branch Secretary.

\*\*\*END OF RULES\*\*\*