

**DECLARATION OF AUTHORISED OFFICER OF ORGANISATION under Regulation 126 of the Fair Work (Registered Organisations) Regulation 2009**

**ALTERATION OF RULES OF AN ORGANISATION under section 159 of the Fair Work (Registered Organisations) Act 2009**

I, Emily McMillan of Level 9, 447 Kent Street, Sydney NSW, declare as follows:

1. I am the National Assistant Secretary of the Transport Workers' Union of Australia (**TWUA**) and, as such, am authorised to give this notice of particulars of alterations to the rules of the TWUA.
2. The alterations were made in accordance with the rules of the TWUA.
3. Rule 85 permits the National Council to amend the rules.
4. By letter dated 24 March 2026, the TWU National President and the TWUA National Secretary sent the NSW/Qld/Vic/Tas (Interim Governance), South Australian and Western Australian Branch Secretaries letters via email notifying each Branch Secretary of proposed alterations to the rules which were to be subsequently provided to National Councillors in accordance with rule 85(2)(a) for consideration at a special National Council meeting. This meeting was to be held via zoom on 24 April 2026 at 12:30pm (AEST). A copy of the letters is annexed hereto and marked "**EM1**". A single copy of the Annexure to the letters is annexed hereto and marked "**EM2**".
5. On 24 March 2026, TWU National President and the TWUA National Secretary sent all National Councillors a letter via email calling a special meeting of National Council under subrules 46(4)(a) and (b) to deal with the urgent business, which was the proposed alterations to the rules. The letters explained the rationale for the proposed rule changes, and Annexure A set out the proposed changes. A single copy of the correspondence and Annexure A is annexed hereto and marked "**EM3**". The letters fulfilled the requirements of subrules 46(4) and 85(2)(a).
6. On 23 April 2026, at the direction of the National President and the National Secretary, the TWUA Director of Legal and Industrial Strategy sent an email to all National Councillors, attaching a proposed Resolution and Particulars of the Amendments to the Rules to be considered at the meeting on 24 April 2026. The Particulars of the Amendments to the Rules were generally the same as those provided to National Councillors on 24 March 2026, together with further appropriate amendments, including housekeeping amendments. A copy of the email without the attachment is annexed hereto and marked "**EM4**".
7. On 24 April 2026, the TWUA Director of Legal and Industrial Strategy sent a further email to all National Councillors, attaching a revised version of the proposed Resolution and Particulars of the Amendments to the Rules correcting a typographical error in the document provided to National Councillors the previous day. A copy of the email without the attachment is annexed hereto and marked "**EM5**". A copy of the revised proposed Resolution and Particulars of the Amendments to the Rules attached to the email is annexed hereto and marked "**EM6**".
8. Subrule 46(5) allows the National Council to meet by telephone or video.
9. National Council met via video (Zoom) on 24 April 2026 to consider the proposed alterations to the rules. A list of National Councillors who attended the meeting is annexed hereto and marked

“**EM7**”. Accordingly, quorum requirements for National Council were satisfied in accordance with Rule 50. A Quorum was maintained for the meeting.

10. During the meeting on 24 April 2026, in accordance with Rule 85(3), National Council decided to alter the amendments to the rules contained in EM3 by adopting the amendments in EM6. The National Council subsequently passed a resolution, unanimously, to alter the Rules under subrule 85(2) in accordance with the Particulars of the Amendments to the Rules as stated in EM5. A copy of the resolution is annexed hereto and marked “**EM8**”.
11. Particulars of the changes to the Rules are annexed hereto and marked “**EM9**”.
12. The particulars in this notice are true and correct to the best of my knowledge and belief.



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Emily McMillan  
National Assistant Secretary

Dated: 4 May 2026

## "Annexure EM1"

### Transport Workers' Union of Australia

#### National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



24 March 2026

Richard Olsen  
Branch Secretary  
NSW/QLD/VIC/TAS (Interim Governance) Branch  
22 John Hines Ave  
MINCHINBURY NSW 2770

#### BY EMAIL

Dear Richard

#### Notice of Proposed Amendments to the Transport Workers' Union of Australia's Rules

After conferring with the National Committee of Management, I write to formally advise you that the proposed amendments set out at Annexures A of this correspondence will be provided to National Councillors in accordance with rule 85(2)(a) for consideration at a special national Council meeting to take place via zoom on 24 April 2026 at 12:30pm (AEST).

The proposed amendments to the rules to be provided to National Council can be summarised as follows:

1. Necessary amendments to the Rules, including transitional rules, that flow from reducing the number of Branches and restructuring their internal composition.
2. Housekeeping amendments to the Rules.

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NSW/QLD/VIC/TAS (Interim Governance)  
Branch Secretary **Richard Olsen**  
NSW: 1800 729 909  
Qld: 07 3890 3066  
Vic/Tas: 1300 727 614

SA/NT Branch  
Secretary  
**Sam McIntosh**  
08 8346 4177

WA Branch  
Secretary  
**Tim Dawson**  
08 6313 3000

## Transport Workers' Union of Australia

### National Office

a. 447 Kent St Sydney NSW 2000

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In relation to the proposed rule changes, these are contained at **Annexure A** of this correspondence.

Please take this as per Rule 85(2)(a) that the proposed rule changes have been submitted to the NSW/QLD/VIC/TAS (Interim Governance) Branch.

Regards

**Richard Olsen**  
**President**

**Michael Kaine**  
**National Secretary**

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NSW/QLD/VIC/TAS (Interim Governance)  
Branch Secretary **Richard Olsen**  
NSW: 1800 729 909  
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SA/NT Branch  
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### National Office

a. 447 Kent St Sydney NSW 2000

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24 March 2026

Sam McIntosh  
Branch Secretary  
TWU SA/NT Branch  
25 Chief Street  
BROMPTON SA 5007

### BY EMAIL

Dear Sam

### Notice of Proposed Amendments to the Transport Workers' Union of Australia's Rules

After conferring with the National Committee of Management, I write to formally advise you that the proposed amendments set out at Annexures A of this correspondence will be provided to National Councillors in accordance with rule 85(2)(a) for consideration at a special national Council meeting to take place via zoom on 24 April 2026 at 12:30pm (AEST).

The proposed amendments to the rules to be provided to National Council can be summarised as follows:

1. Necessary amendments to the Rules, including transitional rules, that flow from reducing the number of Branches and restructuring their internal composition.
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In relation to the proposed rule changes, these are contained at **Annexure A** of this correspondence.

Please take this as per Rule 85(2)(a) that the proposed rule changes have been submitted to the SA/NT Branch.

Regards

**Richard Olsen**  
**President**

**Michael Kaine**  
**National Secretary**

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NSW/QLD/VIC/TAS (Interim Governance)  
Branch Secretary **Richard Olsen**  
NSW: 1800 729 909  
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### National Office

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t. 02 8114 6500

ABN 18 559 030 246



24 March 2026

Tim Dawson  
Branch Secretary  
WA Branch  
143 Chisholm Cres  
KEWDALE WA 6105

### BY EMAIL

Dear Tim

### Notice of Proposed Amendments to the Transport Workers' Union of Australia's Rules

After conferring with the National Committee of Management, I write to formally advise you that the proposed amendments set out at Annexures A of this correspondence will be provided to National Councillors in accordance with rule 85(2)(a) for consideration at a special national Council meeting to take place via zoom on 24 April 2026 at 12:30pm (AEST).

The proposed amendments to the rules to be provided to National Council can be summarised as follows:

1. Necessary amendments to the Rules, including transitional rules, that flow from reducing the number of Branches and restructuring their internal composition.
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WA Branch  
Secretary  
**Tim Dawson**  
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## Transport Workers' Union of Australia

### National Office

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In relation to the proposed rule changes, these are contained at **Annexure A** of this correspondence.

Please take this as per Rule 85(2)(a) that the proposed rule changes have been submitted to the WA Branch.

Regards

**Richard Olsen**  
**President**

**Michael Kaine**  
**National Secretary**

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NSW/QLD/VIC/TAS (Interim Governance)  
Branch Secretary **Richard Olsen**  
NSW: 1800 729 909  
Qld: 07 3890 3066  
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SA/NT Branch  
Secretary  
**Sam McIntosh**  
08 8346 4177

WA Branch  
Secretary  
**Tim Dawson**  
08 6313 3000

## Annexure A

### Suggested alterations to the Rules of the Transport Workers Union of Australia

#### PURPOSE

1. Necessary amendments to the Rules, including transitional rules, that flow from reducing the number of Branches and restructuring their internal composition.
2. Housekeeping amendments to the Rules.

#### Notes:

1. The proposed changes to existing rules are marked in red.
2. Proposed new rules are marked in red.

RULE	ALTERATION
Amend r.5(1)	(1) <b>Subject to subrule 1A</b> , an applicant for membership of the Union shall forward or cause to be forwarded to the <b>State Secretary of the particular State</b> of the Branch in which the person presently resides.
Add a new r.5(1A)	<b>(1A) An applicant for membership as a Gig Member, Pilot Member or Cabin Crew Member shall forward or cause to be forwarded to the National Secretary:</b> (a) <b>an online application form via the Union's Website or</b> (b) <b>an application form approved for use by those applicants.</b>
Amend r.6(1)	(1) A person becomes a Member immediately upon making an application in accordance with subrule rules 5(1) or <b>5(1A)</b> .
Add a new r.6(2A)	<b>(2A). The National Secretary may reject an application for admission to Membership made under subrule 5(1A) if, in their opinion, the applicant is of general bad character.</b>
Amend r.8(2)	(2) <b>Subject to Rule 2A</b> , the Annual Fee must be paid by: (i) <b>Members to the State Office of the State in which the Member resides; or</b> (ii) <b>Gig, Pilot and Cabin Crew Members to the National Office.</b>
Add a new r.8(2A)	<b>(2A) the National Committee of Management may prescribe that the Annual Fee is paid differently to subrule 2 for particular classes of employees from time to time.</b>
Amend r.8(5)(c)	(c). in the case of the <b>TWU SA/NT</b> - half the Annual Fee <b>is to be paid</b> by 28 February, and the other half by 31 August.
Amend r.8(6)(a)	(6)(a) A Branch Committee of Management may resolve that the Annual Fee paid by Members to the <b>relevant State Office</b> in accordance with sub-rule (2)(i) 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.
Amend r.8(6A)(a)	(6A)(a) The National Secretary may determine that the Annual Fee Paid by <b>Gig Members, Pilot Members and Cabin Crew Members</b> in accordance with sub-rule (2)(ii) is to be paid by instalments, payroll deductions or any appropriate method on such terms and

	conditions as the National Secretary considers appropriate.
Amend r.8(9)(a)	(9)(a) A Financial Member may apply for a refund of the Annual Fee for the current year to the State Secretary <b>of the State in which the Member resides</b> by providing full details in writing of the reasons for the refund.
Amend r.10(3)	(3) An Unfinancial Member becomes a Financial Member immediately upon <b>the relevant State Office of the State in which the Member resides</b> receiving payment of all unpaid Dues into its bank account.
Amend r.11(1)	(1) Member may resign from Membership by notice in writing addressed to the <b>State Secretary of the Branch in which the Member resides and delivered to the relevant State Office.</b>
Add a new r.11(1A)	<b>(1A) Subject to subrule 11(1B), Gig Members, Pilot Members and Cabin Crew Member may resign from Membership by notice in writing addressed to the National Secretary and delivered to the National Office.</b>
Add a new r.11(1B)	<b>(1B) The National Committee of Management may determine alternate methods for Gig Members, Pilot Members and Cabin Crew Member to resign from Membership.</b>
Amend r.12 including adding a new r.12.4	<p>(1) <b>Subject to subrule 12(1A), if a Member changes residence and wishes to transfer from one Branch to the other, (or to another State within the same Branch), 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.</b></p> <p>(2) The Branch Secretary must, on receipt of the application, grant the transfer.</p> <p>(3) The Branch Secretary must send a copy of the application for transfer and particulars of the Member's financial position <b>to the relevant State Secretary and, if applicable, the other Branch Secretary.</b></p> <p>(4) <b>In this rule, “in writing” means by letter, email, or signed documents in electronic or hardcopy form.</b></p>
Add a new r.15(3) and renumber the rule 15 accordingly	<b>(3) Each State Secretary must keep at the State Office that part of the Branch’s roll of the Membership, recording the Membership number, name, address and date of enrolment of each Member enrolled in that State of the Branch.</b>
Amend the renumbered rules 15(4) and 15(5)	<p>(4) The register and rolls referred to in sub-rules (1), (2) <b>and (3)</b> must be available for inspection by the industrial registrar of the principal registry established under the Fair Work Act or any person appointed by the registrar.</p> <p>(5) The roll of the Membership referred to in sub-rules (2) <b>and (3)</b> must be made available to the National Secretary on request.</p>
Add a new r.16(6)	<b>(6) The part of the Branch’s roll of the Membership referred to in sub-rules (3) must be made available to the Branch Secretary on request.</b>
Delete the words of the current rule 16 and new wording	<p style="text-align: center;"><b>16. Formation and Constitution of Branches</b></p> <p>(1) For the purpose of assisting National Council to control and manage the Union, a Branch may be constituted in one or more geographical States and Territories.</p> <p>(2) There are currently two Branches of the Union:</p> <p style="padding-left: 40px;">a. the “Transport Workers Union of Australia Eastern Branch”, consisting of all Members residing in New South Wales, Queensland, Victoria, Tasmania and the Australian Capital Territory; and</p> <p style="padding-left: 40px;">b. <u>the</u> “Transport Workers’ Union of Australia - Central and Western Branch”, consisting of all Members residing in the Northern Territory, South Australia and</p>

	<p>Western Australia.</p> <p>(3) Each Branch will contain Members residing in geographical regions, referred to in these Rules as “States.”</p> <p>(4) The States of the Eastern Branch are:</p> <ol style="list-style-type: none"> <li>a. TWU NSW, consisting of all Members residing in NSW and the Australian Capital Territory;</li> <li>b. TWU QLD, consisting of all Members residing in Queensland; and</li> <li>c. TWU Vic/Tas, consisting of all Members residing in Victoria and Tasmania.</li> </ol> <p>(5) The States of the Central and Western Branch are:</p> <ol style="list-style-type: none"> <li>a. TWU WA, consisting of all Members residing in Western Australia; and</li> <li>b. TWU SA/NT, consisting of all Members residing in South Australia and the Northern Territory.</li> </ol>
Delete the current rule 17	<b>17. Intentionally blank</b>
Amend r.18	<p><b>18. Membership in a Geographical State or Territory where a Branch is not Constituted</b></p> <p>If, for any reason, a Branch is not constituted, all matters relating to Membership in that geographical state or territory must be administered at a National level. In such cases any reference in part 3 or rule 86 to:</p> <ol style="list-style-type: none"> <li>(a) “Branch Secretary” is to be read as “National Secretary”;</li> <li>(b) “Branch Committee of Management” is to be read as “National Committee of Management”;</li> <li>(a) “Branch” is to be read as “National Council”; and</li> <li>(b) Branch Secretary is to be read as National Secretary.</li> </ol>
Amend r.19	<p style="text-align: center;"><b>19. Mutual Support</b></p> <p>National Council and each Branch (including each State forming part of a Branch) are jointly and severally pledged to, and must, loyally support each other, financially and otherwise, when required, subject to rule 20.</p>
Amend r.20(1)	<p>(1) A Branch or State of a Branch that fails to comply with:</p> <ol style="list-style-type: none"> <li>(a) any provision in the Rules, or</li> <li>(b) decision of National Council,</li> </ol> <p>will cease to be entitled to representation on National Council until:</p> <ol style="list-style-type: none"> <li>(c) the provision in the Rules, or the decision of National Council is complied with; or</li> <li>(d) a satisfactory explanation for the non-compliance has been accepted by a resolution of National Council.</li> </ol>
Amend r. 20(2)	<p>(2) The National Council may withhold assistance from any Branch or a State forming part of a Branch that enters into an industrial dispute without having first obtained the permission of National Council.</p>
Amend r.21	<p style="text-align: center;"><b>21. Branches or States that do not pay Sustentation Fees</b></p> <p>Any Branch (or any State forming part of a 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 due Sustentation Fees and Levies owed by the Branch or State of a Branch are paid.</p>

<p>Delete the words in the current rule 22A and replace with these words.</p>	<p style="text-align: center;"><b>22A. Reconstituting a Branch</b></p> <p>(1) National Council has the specific power to reconstitute a Branch;</p> <ul style="list-style-type: none"> <li>(a) which fails to comply with any provision of the Rules regarding a State;</li> <li>(b) which fails to comply with any decision of National Council regarding a State;</li> <li>(c) the Branch Committee of Management, which acts contrary to law regarding a State;</li> <li>(d) the Branch Committee of Management, which fails to carry out its obligations regarding a State;</li> <li>(e) where a State forming part of a Branch; <ul style="list-style-type: none"> <li>(i) fails to comply with any provision of the Rules;</li> <li>(ii) fails to comply with any decision of National Council or the Branch Committee of Management;</li> <li>(iii) acts contrary to law;</li> <li>(iv) fails to carry out its obligations;</li> <li>(v) effectively ceases to function; or</li> </ul> </li> <li>(f) where the Branch Committee of Management of a Branch resolves to request that the National Council reconstitute the Branch and exercise its power under this sub-rule 22A(2) to attach members residing in a State forming part of that Branch to another State of the Branch or to the other Branch.</li> </ul> <p>(2) If National Council acts in accordance with sub-rule (1), it must, subject to sub-rules (3) and (4) attach the Affected Members;</p> <ul style="list-style-type: none"> <li>(a) to another State of the Branch; or</li> <li>(b) to the other Branch</li> </ul> <p>if it is considered, this will provide an appropriate means for the Affected Members to participate in the affairs of the Union and promote its efficient management.</p> <p>(3) If National Council acts in accordance with sub-rule (2)(a):</p> <ul style="list-style-type: none"> <li>(a) Members residing in the Affected State are removed from the roll of members held by that State of the Branch and are attached to another State of the Branch (“Other State”);</li> <li>(b) the funds and property of the Branch in the Affected State must be transferred to the Other State;</li> </ul> <p>(4) If National Council acts in accordance with sub-rule (2)(b):</p> <ul style="list-style-type: none"> <li>(a) the Affected Members become Members of the other Branch for the purposes of the Rules;</li> <li>(b) the funds and property of the Affected State must be transferred to the other Branch;</li> <li>(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)(g) until the next ordinary election in the other Branch in the following way: <ul style="list-style-type: none"> <li>(i) A number of additional members of the Branch Committee of Management under paragraph 30(2)(h) must be determined having regard to the relative number of Affected Members in that State 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</li> </ul> </li> </ul>
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Management exceeds the relevant number set out in 30(2)(h));

- (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 rules 30 and 60.
  - (iv) The additional members of the Branch Committee of Management hold office until the next ordinary election in the other Branch.
- (d) 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 of the Affected State 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) National Council may at any time resolve to reverse a reconstitution of a Branch under sub-rule 1 and restore the Affected State to the position it was before the reconstitution.
- (7) If National Council acts in accordance with sub-rule (6):
- (i) Affected Members are re-attached to the Reconstituted State and become members of that Branch, (if they were transferred to another Branch under sub-rule 4(a));
  - (ii) the funds and property of the Branch transferred under sub-rules 3(b) or 4(b) must be transferred back to the Reconstituted State;
  - (iii) additional Branch Committee of Management appointed under sub-rule 4(c) cease to hold office.
  - (iv) 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)(g) until the next ordinary election in accordance with sub-rule 4(c)(i) to (iv);
  - (v) additional National Councilors appointed under sub-rule 4(c) cease to hold office; and

	<p>(vi) National Council must temporarily increase the number of persons who are National Councillors of the Branch that the Reconstituted State in accordance with sub-rule 4(d) (i) to (iv).</p> <p>(8) In this rule:</p> <p>(i) “Affected Members” means the group of Members of an Affected State before it was reconstituted in accordance with sub-rule (1);</p> <p>(ii) Affected State means the State of a Branch whose members are to be removed immediately before it was reconstituted in accordance with sub-rule (1);</p> <p>(iii) “Reconstitute a Branch” means removing Members residing in a particular State forming part of a Branch and attaching them to another State of that Branch or to the other Branch.</p> <p>(iv) Reconstituted State means an Affected State that is restored under sub-rule 6.</p>
Rename the current rule 22A as 22B	<b>22B. Administration of a Branch</b>
Add a new r.22B(1)(d)	(1)(d) the Branch Committee of Management of which fails to carry out its obligations;
Amend r.22B(2)(c) and 22(2)(d)	<p>(2)(c) Without limiting sub-rule (2)(a), National Council has all the powers afforded to the Affected Branch, (including the States forming part of a Branch), under Rule 31 until the Affected Branch is released from administration;</p> <p>(2)(d) The powers given to the Affected Branch President, Vice President, Branch Secretary and State Secretaries under Rules 35, 36, 37 and sub-rule 40(2) are suspended until the Affected Branch is released from administration;</p>
Amend r.22B(2)(9)	(2)(9) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22 or reconstitute a Branch under rule 22A and sub-rule 25(2)(b) or exercise its powers under rule 22.
Add a new r.22C	<p><b>22C. Administration of a State</b></p> <p>(1) National Council has the specific power to place a a State forming part of a Branch State under administration for a period of up to twelve months which:</p> <p>(a) fails to comply with any provision of the Rules;</p> <p>(b) fails to comply with any decision of National Council or the Branch Committee of Management;</p> <p>(c) acts contrary to law; or</p> <p>(d) fails to carry out its obligations.</p> <p>(2) If National Council acts in accordance with sub-rule (1),</p> <p>(a) National Council has control of all business of the Union within the State placed under administration until the Affected State is released from administration;</p> <p>(b) The powers given to the Branch Committee of Management of the Affected Branch under rule 31 regarding the State placed under administration until the Affected State is released from administration;</p> <p>(c) Without limiting sub-rule (2)(a), National Council has all the powers afforded to the Affected Branch under Rule 31 regarding the State placed under administration until the Affected State is released from administration;</p> <p>(d) The powers given to the Branch President, Vice President, Secretary, Assistant Secretary, and the State Secretary and Assistant Secretary, under Rules 35, 36, 37</p>

	<p>and 40(2) regarding the State placed under administration are suspended until the Affected State is released from administration;</p> <p>(e) The National Council has all the powers given to the Branch President, Vice President, Secretary, Assistant Secretary, and the State Secretary and Assistant Secretary under Rules 35, 36, 37, 37A and 40(2) regarding the State placed under administration are suspended until the Affected State is released from administration;</p> <p>(b) The powers given to the Trustees of the Affected Branch under rule 38 regarding the State placed under administration are suspended regarding the State placed under administration are suspended until the Affected State is released from administration;</p> <p>(g) The National Council has all the powers given to the Branch Trustees under Rule 38 regarding the State placed under administration is released from administration;</p> <p>(3) The National Council may exercise the powers afforded to it under sub-rules 22C(2)(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 State.</p> <p>(4) In this rule, “Affected State” means a State placed under the administration of National Council in accordance with sub-rule (1).</p> <p>(5) No action taken by National Council in accordance with sub-rule (1) affects the Membership rights of Members of the Affected Branch.</p> <p>(6) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, reconstitute a Branch under rule 22A, place a Branch in administration under rule 22B and sub-rule 25(2)(b) or exercise its powers under rule 22.</p> <p>(7)</p>
Amend r.23	<p style="text-align: center;"><b>23. Special Rule - New South Wales</b></p> <p>(1) The provisions contained in Annexure F apply in respect of <b>Members of the Eastern Branch residing in the geographical territory covered by TWU NSW.</b></p> <p>(2) Nothing contained in Annexure F affects the application of any other Rule to the <b>Eastern Branch</b> and to:</p> <ol style="list-style-type: none"> <li>a. the holders of offices within, and</li> <li>b. the Members of the <b>Eastern Branch</b>,</li> </ol> <p>except insofar 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.</p>
Amend r.24, add a new sub-rule 24(1)(d) and renumber the subrule accordingly.	<p style="text-align: center;"><b>24. National Council</b></p> <p>(1) National Council consists of:</p> <ol style="list-style-type: none"> <li>(a) the National Secretary;</li> <li>(b) the National Assistant Secretary;</li> <li>(c) <b>each Branch Secretary;</b></li> <li>(d) <b>each State Secretary;</b></li> <li>(e) any additional National Councillors representing a State pursuant to sub-rule (2);</li> <li>(f) the TWU NSW Canberra Sub-Branch Secretary;</li> </ol>

	<ul style="list-style-type: none"> <li>(g) any additional National Councillors pursuant to paragraph 22(4)(e) and 22A(d);</li> <li>(h) a National Councillor residing in the Northern Territory elected directly by Members of the Central and Western Branch who reside in the Northern Territory;</li> <li>(i) a National Councillor residing in Tasmania elected directly by members of the Eastern Branch residing in Tasmania; and</li> <li>(j) a woman National Councillor representing each State.</li> <li>(k) a Pilots National Councillor representing members of the Union who are Pilots elected in accordance with Rule 59B.</li> </ul> <p>(2) In addition to its State Secretary and any additional National Councillors pursuant to sub-rule 22(4)(e) or 22A(d), each State is entitled to 1 additional National Councillor and also the following number of National Councillors (based on its Effective Membership):</p> <ul style="list-style-type: none"> <li>(a) from 3,001 Effective Members of a State of a Branch up to and including 6,000 Effective Members of a State of a Branch - 1 additional National Councillor;</li> <li>(b) from 6,001 Effective Members of a State up to and including 9,000 Effective Members of a State of a Branch - 2 additional National Councillors; and</li> <li>(c) 9,001 Effective Members or more of a State of a Branch - 3 additional National Councillors.</li> </ul> <p>(3) (a) To help ensure that the National Council is properly apprised of issues confronting females in the transport industry, a committee will be established to provide input to National Council annually.</p> <p>(b) The committee shall be comprised of one woman from each State and one woman from National Office.</p> <p>(c) The committee will provide input into the policy-making process of National Council but will not hold voting rights at National Council.</p>
Amend r.252(b) and 25(2)(ba)	<p>(2)(b) disbanding and reconstituting Branches in accordance with rules 22 and 22A;</p> <p>(2)(ba) placing Branches and States under administration in accordance with rule 22B and 22C;</p>
Amend r.28(d)a new r.28(e)	<p>(d) each Branch Secretary, if not already a member by virtue of being elected to the position of National President; and</p> <p>(e) each State Secretary, if not already a member by virtue of being elected to the position of National President.</p>
New 29(2)(h) & 29(2)(i)	<p>(h) approve out-of-budget expenditure by the National Office.</p> <p>(i) setting 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.</p>
Amend rule 30 including adding new subrules and renumbering the rule as appropriate.	<p style="text-align: center;"><b>30. Branch Committee of Management</b></p> <p>(1) Each Branch must have a Branch Committee of Management.</p> <p>(2) The Branch Committee of Management consists of:</p>

- (a) the Branch President,
- (b) the Branch Vice-President(s),
- (c) the Branch Secretary,
- (d) the Branch Assistant Secretary,
- (e) each State Secretary
- (f) each State Assistant Secretary;
- (g) one Trustee per State within the Branch, and
- (h) for the Eastern Branch, not more than 33 members made up of:
  - i. not more than 17 members in total from TWUNSW;
  - ii. not more than 7 members in total from TWUQLD; and
  - iii. not more than 9 members in total from TWUVic/Tas (with one of those representing Tasmania)
- (i) for the Central Western Branch, not more than 20 members made up of:
  - i. not more than 12 members in total from TWUWA
  - ii. not more than 8 members in total from TWUSA/NT

- (3) The Branch Committee of Management (BCOM) consists of Members elected by a ballot of the Members enrolled in the Branch who are eligible to vote in accordance with sub-rule 60(12). The number of BCOM members from each state within a Branch shall be determined on the basis of proportionality of membership and determined by the BCOM ahead of each quadrennial election after the 2026 quadrennial election. The numbers for the 2026 Quadrennial election are as follows as follows:

#### **Eastern Branch**

- (4) Members ordinarily residing in New South Wales and the ACT will elect 17 members of the Branch Committee of Management who ordinarily reside in NSW and the ACT to represent the interests of NSW and ACT Members in accordance with the procedures in Attachment F.
- (5) Members who ordinarily reside in Queensland will elect in accordance with Rule 60, 7 members of the Branch Committee of Management who ordinarily reside in Queensland to represent the interests of Queensland Members (the number to be determined by the Committee of Management before each quadrennial election).
- (6) Members who ordinarily reside in Victoria and Tasmania will elect in accordance with Rule 60, 9 members of the Branch Committee of Management who ordinarily reside in Victoria and Tasmania to represent the interests of Victoria and Tasmanian Members (the number to be determined by the Committee of Management before each quadrennial election).

#### **Central and Western Branch**

- (7) Members who ordinarily reside in Western Australia will elect in accordance with Rule 60, 12 members of the Branch Committee of Management who ordinarily reside in Western Australia to represent the interests of Western Australian Members (the number to be determined by the Committee of Management before each quadrennial election).
- (8) Members who ordinarily reside in South Australia and the Northern Territory will elect

	<p>in accordance with Rule 60, 8 members of the Branch Committee of Management who ordinarily reside in South Australia and the Northern Territory to represent the interests of South Australia Members (the number to be determined by the Committee of Management before each quadrennial election).</p>
Amend rule 31(2)(f) and 31(2)(l) and add a new r.31(2)(m).	<p>(2)(f) <b>scrutinise</b> the remuneration and other entitlements, including termination and severance payments, of employees of the Union employed <b>across</b> the Branch, <b>including States</b>;</p> <p>(2)(l) resolving that, where appropriate, concise financial reports be provided to members in accordance with Schedule 1B of the <b>Fair Work Act</b> 1996 as amended from time to time.</p> <p><b>(2)(m) endorsing out-of-budget expenditure by the Branch and States.</b></p>
Amend r.33(2)(j), 33(2)(l) and 33(2)(u) and 33(3)(c)	<p>(2)(j) keeping a debit and credit account between National Council and each Branch <b>and State</b>;</p> <p><b>(2)(l) ensuring that prior to National Council</b> each Branch and National Councillor <b>receives</b> each year the audited statement of income and expenditure together with the audited statement of assets and liabilities;</p> <p>(2)(u) paying any termination or severance <b>payments in accordance with the relevant determination made by the National Committee of Management relating to such payments</b>; and</p> <p>(3)(c) Any amount, not within budget, as approved by National Council or the National Committee of Management <b>or the National Trustees</b>; and</p>
Delete the current r.34(c) and add a new r.34(c) and renumber rule 34 accordingly.	<p style="text-align: center;"><b>34. National Trustees</b></p> <p><b>(c) to scrutinise and approve out-of-budget expenditure by the National Office.</b></p>
Amend r.36(1)	<p>(1) Each Branch must have <b>at least one</b> Branch Vice-President.</p>
Amend Rule 37 including adding new sub-rules and renumber the rule accordingly	<p style="text-align: center;"><b>37. Branch Secretary</b></p> <p>(1) Each Branch must have a Branch Secretary.</p> <p>(2) The Branch Secretary is the chief executive officer of the Branch.</p> <p>(3) The powers and functions of the Branch Secretary include:</p> <p>(a) performing all functions of the Branch Secretary described in the Rules;</p> <p><b>(b) providing strategic leadership and operational oversight for the Branch;</b></p> <p>(c) acting as directed by the Branch Committee of Management;</p> <p><b>(d) oversee and supervise the State Secretaries;</b></p> <p><b>(e) attending media, industry forums, and public engagements;</b></p> <p>(f) attending all meetings connected with the Branch as far as practicable;</p> <p>(d) dealing with industrial matters in accordance with rule 69;</p> <p>(e) answering and filing correspondence;</p> <p>(f) issuing receipts for all money received by the Branch Secretary;</p> <p>(g) keeping all documents, books and accounts relating to the business of the Branch;</p> <p>(h) being custodian of the property of the Branch;</p>

- (k) **overseeing** the management of any Branch Office **and the State Offices within the Branch;**
  - (l) being in charge of those employees who work in any Branch Office;
  - (m) ensuring that, at all times, an appropriate number of persons are employed to assist in carrying out work **across** the Branch;
  - (n) employing suitably qualified persons at the Branch to assist in carrying out work **across** the Branch;
  - (o) remunerating persons employed in the Branch;
  - (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.
  - (s) **determining the number of Organisers required by the Branch at any time in accordance with sub-rule 39(1);**
  - (t) **managing the Branch Roll of Membership including the parts of the roll Members enrolled in the States forming part of the Branch and kept at State Offices.**
- (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.
- (b) During the period of temporary absence of the Branch Secretary referred to in paragraph (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).

- (1) The powers and functions of each State Secretary include:
- (a) performing all functions of the State Secretary described in the Rules;
  - (b) acting as directed by the Branch Secretary;
  - (c) managing the State Office, including but not limited to overseeing and supervising the day-to-day operations of the office;
  - (d) managing State Office expenditure that is within the budget set by the Branch Committee of Management;
  - (e) attending all meetings connected with that State as far as practicable;
  - (f) dealing with industrial matters in that State in accordance with rule 69;
  - (g) answering and filing correspondence;
  - (h) issuing receipts for all money received by the State Secretary;
  - (i) depositing all money received in the State Office bank account at least weekly;
  - (j) keeping all documents, books and accounts relating to the business of the Branch in that State;
  - (k) issuing notices to Members who reside in that State who are in arrears with their Dues;
  - (l) being custodian of the movable property of the Branch located in that State;
  - (m) paying Sustentation Fees to National Council in accordance with sub-rule 71(2)(a);
  - (n) managing those employees who work in the State Office;
  - (o) ensuring (in consultation with the Branch Secretary) that, at all times, an appropriate number of persons are employed to assist in carrying out the work of the Branch in that State;
  - (p) employing suitably qualified persons to assist in carrying out the work of the Branch in that State;
  - (q) subject to the directions of the Branch Secretary, remunerating persons employed in the State.
  - (r) subject to the directions of the Branch Secretary, terminating the employment of any persons employed in that State who, in the opinion of the State Secretary:
    - i. do not satisfactorily perform their duties; or
    - ii. are found guilty of serious misconduct; or
    - iii. have abandoned their employment; or
    - iv. are employed in a role which is no longer required to be performed in carrying out the work of the Union.
  - (s) subject to the directions of the Branch Secretary, paying any termination or severance payments in accordance with the relevant resolution made by the Branch Committee of Management relating to such payments; and

	<p>(t) reporting any decision made by the State Secretary to employ a person or terminate a person's employment to the Branch Secretary.</p> <p>(u) Managing the Roll of Membership of Members enrolled in that State.</p> <p>(v) keeping bank accounts and funds for that State of the Branch described in the Rules;</p>
Delete the current r.38(1) and replace it with a new r.38(1) and add a new r.38(2)(c) and renumber the rule accordingly.	<p>(1) Each Branch must have a Branch Trustee for each of the States of the Branch.</p> <p>2(c) to scrutinise expenditure and approve out-of-budget expenditure by the Branch or a State forming part of the Branch;</p>
Amend r.39	<p style="text-align: center;"><b>39. Branch Organisers</b></p> <p>(1) Each Branch must have a number of Branch Organisers to be determined by the Branch Secretary.</p> <p>(2) The powers and functions of the Branch Organisers are:</p> <p>(a) to assist in the work of the Union generally;</p> <p>(b) to discharge duties allocated to them by the Branch Secretary or the State Secretary.</p>
Add a new r.40(2)(b)	<p>(2)(b) State Assistant Secretary:</p> <p>(i) to assist the State Secretary;</p> <p>(ii) when the State Secretary is absent, to perform the duties of the State Secretary; and</p> <p>(iii) at all times, to act subject to the control and direction, in order of precedence, of:</p> <p>(A). the Branch Secretary; and</p> <p>(B). the State Secretary.</p>
Amend r.46(2)	<p>(2) Upon a request in writing by:</p> <p>(a) 80% of National Councillors, or</p> <p>(b) 2 or more Branch Committees of Management,</p>
Amend r.50(1)b	<p>(1)(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 State 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.</p>
Delete the current r.50(3) and insert a new r.50(3)(a) and r.50(b)	<p>(3)(a) At meetings of the Central Western Branch Committee of Management 12 members of the Branch Committee of Management form a quorum subject to at least 50% of the members representing each State being present.</p> <p>(3)(b) At meetings of the Eastern Branch Committee of Management 20 members of the Branch Committee of Management form a quorum subject to at least 50% of the members representing each State being present.</p>
Amend Rule 53 including adding new sub-rules and renumber the rule accordingly	<p style="text-align: center;"><b>53. Voting</b></p> <p>(1) In meetings and ballots of National Council votes must be allocated in the following way:</p> <p>(a) The National Secretary is entitled to 1 vote;</p> <p>(b) The National Assistant Secretary is entitled to 1 vote;</p> <p>(c) Each Branch Secretary is entitled to 1 vote;</p>

- (d) Each State is entitled to at least 1 vote;
- (e) If the number of Effective Members of a State exceeds 1,000, the State is entitled to 1 additional vote for each additional 1,000 Effective Members or part thereof;
- (f) Subject to paragraph (e), the total number of votes to which a State is entitled must be allocated equally amongst the National Councillors representing the State (including the State Secretary) who are present at the meeting or who have indicated to the National President that they intend voting in the ballot;
- (g) If the votes cannot be allocated equally in accordance with paragraph (d), the remaining vote or votes must be distributed first to the State Secretary and then in the order the National Councillors were elected;
- (h) 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
- (i) The TWU NSW Canberra Sub-Branch Secretary elected in accordance with Rule 24(1)(e) shall be entitled to one vote.
- (j) 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) The National Secretary is entitled to 1 vote;
- (b) Each Branch Secretary is entitled to 1 vote;
- (c) The National President is entitled to 1 vote (unless they are a Branch Secretary, in which case their entitlement to votes is determined by sub-paragraph (b)).
- (3) Intentionally Blank
- (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) Subject to subrule 5A, below, in meetings and ballots of bodies within the Union other than National Council, each member of the body is entitled to 1 vote.
- (5A) All ballots of the Central Western Branch Committee of Management require a minimum of 75% of the votes to pass.
- (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, 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:

	<ul style="list-style-type: none"> <li>(a) The election must be conducted under the "first past the post" voting system; and</li> <li>(b) The chairperson must appoint a returning officer to conduct the election.</li> </ul>
<p>Amend Rule 54 including adding new sub-rules and renumber the rule accordingly</p>	<p style="text-align: center;"><b>54. Decisions by Postal or <b>Electronic</b> Ballot</b></p> <ul style="list-style-type: none"> <li>(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 or <b>electronic</b> ballot on any matter other than alteration of the Rules.</li> <li>(2) A ballot must be conducted in accordance with sub-rules (3), (4), (5), (6), <b>(7), (8) and (10)</b>: <ul style="list-style-type: none"> <li>(a) in the cases of National Council and the National Committee of Management - by the National Secretary; and</li> <li>(b) in the case of the Branch Committee of Management - by the Branch Secretary.</li> </ul> </li> <li>(3) A ballot paper must be sent by certified mail to each member of the bodies referred to in sub-rule (1).</li> <li>(4) The ballot paper must: <ul style="list-style-type: none"> <li>(a) clearly state the motion; and</li> <li>(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.</li> </ul> </li> <li>(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.</li> <li><b>(8) The person responsible for the conduct of the ballot, where it is practicable to do so, may utilise an electronic balloting system as an alternative to the paper balloting system.</b></li> <li><b>(9) An electronic balloting system to be utilised under sub-rule (6) must provide:</b> <ul style="list-style-type: none"> <li><b>a. for the security and secrecy of a ballot to the same extent that these rules provide; and</b></li> <li><b>b. that each committee member entitled to vote in the ballot is given the opportunity to vote.</b></li> </ul> </li> <li>(10) The person conducting the ballot must count the votes and declare a result.</li> <li>(11) The decision of a body referred to in sub-rule (1) becomes effective when the result of the ballot has been declared in accordance with sub-rule (8).</li> <li>(12) 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.</li> </ul>
<p>Amend Rule 57 including adding new sub-rules and renumber the rule accordingly</p>	<p style="text-align: center;"><b>57. Eligibility to Nominate for and Hold Office</b></p> <ul style="list-style-type: none"> <li>(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: <ul style="list-style-type: none"> <li>(a) a Financial Member, and</li> </ul> </li> </ul>

- (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,
  - (D) a State Secretary,
  - (E) a Branch Assistant Secretary
  - (F) a State Assistant Secretary
  - (G) an employed Organiser

(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 State Secretary

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 **National Assistant Secretary**, Branch Assistant Secretary or **State Assistant Secretary** if that person has been a Financial Member continuously for the previous 12 months.

(2B) In addition to sub rule (2), if a person is from 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) **and 2(A)** if they have paid the whole of the Annual Fee continuously for the previous 3 years.

(2C) Subject to sub-rule **(2D)**, 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

	<p>a lump sum.</p> <p>(2D) Sub-rule (2C) 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.</p> <p>(3) The conditions of eligibility expressed in paragraphs (1A), (1B), (2)(d), (e), (f), (g), (2A) and 2(B) 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).</p> <p>(4) A person is not eligible to nominate for election to:</p> <p>(a) more than 1 National officer position that carries with it a full-time salary; or</p> <p>(b) more than 1 position in a Branch or State that carries with it a full-time salary.</p> <p>(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 National Secretary.</p> <p>(4B) A person may nominate for both the position of Branch Secretary and State Secretary within the same 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 Branch Secretary or the State Secretary, whichever is applicable.</p> <p>(5) A person is not eligible to nominate for election to more than 1 position on any Branch Committee of Management.</p> <p>(6) If a person is ineligible to nominate for election because of sub- rules (4) or (5), all nominations of that person are invalid.</p> <p>(13) 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.</p>
Amend r.60(2)(a)	(2) The Branch Returning Officer must call for nominations for elections to the positions of: (a) Members of the Branch Committee of Management in accordance with subrules 30(2) to 30(7);
Amend r.60(4)	(4) Nominations must close at noon on: (a) eighteen [18] days after it opens in 2026; and (b) eighteen [18] days after it opens every four years thereafter.
Amend r.60(5A)	(5A) A group of eligible members may nominate as members of a "Team Nomination", which must have a name and a named Team Leader.
Amend r.60(24)	(24) Persons declared elected to the positions referred to in sub-rule (2) take office on: (a) 10 January 2027; and (b) 10 January every four years thereafter,  and the retiring persons continue to hold office in the meantime.
Amend r.60(5E)	(5E) A Team Nomination must nominate an eligible person (or the required number of people) for each position in the Branch (including its States) for which nominations have

	<p>been called each person will be considered to have nominated for each position concerned.</p>
<p>Add a new r.60A</p>	<p><b>60A. Election of the Officers of the Branch Committee of Management</b></p> <p>(1) Subject to Annexure F, within twenty-eight days of 10 January 2027 and 10 January of every fourth year after that, each Branch Committee of Management will meet and elect by and from the members thereof the following Officers:</p> <ul style="list-style-type: none"> <li>(a) the Branch Secretary</li> <li>(b) the Branch President;</li> <li>(c) one or two Branch Vice- Presidents (the number to be determined by the Committee of Management by resolution immediately prior to the election);</li> <li>(d) the Branch Assistant Secretary</li> <li>(e) a State Secretary for each State from Members representing that State within the Branch;</li> <li>(f) State Assistant Secretaries for, one for each State from Members representing that State; and</li> <li>(g) One Branch Trustee for each State within the Branch).</li> </ul> <p>(2) The Branch Returning Officer shall call for nominations at the first session of the meeting immediately after the number of Branch Vice Presidents to be elected has been determined.</p> <p>(3) Subject to subrule (4), 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.</p> <p>(4) A candidate for State Secretary or State Assistant Secretary must be nominated by members of the Branch Committee of Management as follows:</p> <ul style="list-style-type: none"> <li>(a) only members of the Branch Committee of Management who represent the interests of NSW and ACT Members can nominate a candidate for TWU NSW Secretary or State Assistant Secretary.</li> <li>(b) only members of the Branch Committee of Management who represent the interests of Queensland Members can nominate a candidate for Queensland State Secretary or State Assistant Secretary.</li> <li>(c) only members of the Branch Committee of Management who represent the interests of the Victorian and Tasmanian Members can nominate a candidate for Victoria/ Tasmanian State Secretary or State Assistant Secretary.</li> <li>(d) only members of the Branch Committee of Management who represent the interests of South Australian and the Northern Territory Members can nominate a candidate for Northern Territory/South Australia State Secretary or State Assistant Secretary.</li> <li>(e) only members of the Branch Committee of Management who represent the interests of Western Australian Members can nominate a candidate for Western Australia State Secretary or State Assistant Secretary.</li> </ul> <p>(5) In the event of an election being necessary, the Returning Officer shall conduct such an election by secret ballot.</p> <p>(6) If all members of the Committee of Management are present, the Returning Officer will give each member of the Branch Committee of Management a ballot paper on which to</p>

	<p>record a vote, and the ballot paper must be returned to the Branch Returning Officer.</p> <p>(7) After members have voted, the Returning Officer will, together with such scrutineers as candidates may have appointed, count the votes and declare elected the members who receive the greatest number of votes.</p> <p>(8) All candidates elected take office at the conclusion of the Branch Committee of Management meeting at which the election was held.</p> <p>(9) If not all members of the Branch Committee of Management are present, the Returning Officer will send each member of the Committee of Management a ballot paper by priority-paid mail, along with 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.</p> <p>(10) 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. Only ballot papers returned to the Branch Returning Officer before the close of the poll may be included in the ballot.</p> <p>(11) 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.</p> <p>(12) A candidate may, at the time of nomination, appoint in writing to the Branch Returning Officer a scrutineer.</p> <p>(13) A candidate may, at any time, by writing to the National Returning Officer, change a previously appointed scrutineer.</p> <p>(14) A scrutineer:</p> <ul style="list-style-type: none"> <li>(a) must represent the interests of the candidate making the appointment;</li> <li>(b) is entitled to represent the candidate at all stages of the ballot;</li> <li>(c) must attend at any stage of the ballot as requested by the candidate;</li> <li>(d) must report to the National Returning Officer any irregularity in the conduct of the ballot; and</li> <li>(e) is not allowed to represent 2 or more candidates who are standing for the same position.</li> </ul> <p>(15) The 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.</p> <p>(16) If the Branch Returning Officer finds a nomination is defective, the Branch 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.</p> <p>(17) If a candidate fails to remedy a defect in accordance with sub-rule (6), the Branch Returning Officer must reject the nomination.</p> <p>(18) Holders of the positions referred to in sub-rule (1) hold office until their successors have been elected at the first meeting of the Branch Committee of Management following each subsequent election of members of the Branch Committee of Management.</p>
Amend Rule 63 including adding new sub-rules and	<p><b>63. Manner of Filling Casual Vacancies in Branch Positions and Sub Branch Positions</b></p> <p>(1) A casual vacancy in the position of:</p>

renumber the rule accordingly

- (a) Branch President;
- (b) Branch Vice-President;
- (c) Branch Secretary;
- (a) Branch Assistant Secretary;
- (b) State Secretary**
- (c) State Assistant Secretary;**
- (f) Branch Trustees;
- (g) persons who are members of the Branch Committee of Management in accordance with **subrules 30(2) to 30(7);**
- (h) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;

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 of:

- i. **persons who are members of the Branch Committee of Management in accordance with subrules 30(2) to 30(7);**
- ii. **National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;**

must be conducted in accordance with rule 62, except that:

- (ba) a Team Nomination is not allowed;
- (baa) only Members residing in the geographical location in sub-rules 30(2) to 30(7) relevant to the vacant position on the Branch Committee of Management may participate in the election;**
- (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) If the expired part of the term of the position is less than either:**

	<p>(a) 12 months, or</p> <p>(b) one-quarter of the term of the position,</p> <p>then, an election for the casual vacancy of:</p> <ul style="list-style-type: none"> <li>i. Branch President;</li> <li>ii. Branch Vice-President;</li> <li>iii. Branch Secretary;</li> <li>iv. Branch Assistant Secretary;</li> <li>v. State Secretary</li> <li>vi. State Assistant Secretary.</li> </ul> <p>must be conducted in accordance with rule 60(A) except that:</p> <ul style="list-style-type: none"> <li>(c) a Team Nomination is not allowed;</li> <li>(c) the Branch Committee of Management must set alternative dates to those described in sub-rule 60A;</li> <li>(d) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and</li> <li>(e) the election must be completed within 4 months of the casual vacancy occurring.</li> </ul> <p>(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.</p> <p>(6) A person who fills a casual vacancy in accordance with sub-rules (2), (3) and (4) holds the position for the balance of the original 4-year term of the position.</p> <p>(6) Where a casual vacancy occurs in an elected sub-branch position, the vacancy must be filled in accordance with the provisions of sub-rules 63(2), (3), (4) &amp; (5) as if each reference in those sub-rules to “Branch” was “Sub Branch” and each reference to “Committee of Management” was “Executive Committee”.</p> <p>(7) Rule 24(1)(h) will become operational as from the first scheduled election after this rule is Certified by the <b>Fair Work Commission</b>.</p>
<p>Amend r.72(2)including adding a new subrule (c) renumber the rule accordingly</p>	<p>(2) (a) Each <b>State</b> Secretary must pay to the National Council from the respective State General Fund Sustentation Fees <b>each</b> year, <b>of</b> an amount equal to 17.64% of the income received as Annual Fees in each calendar month.</p> <p>(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.</p> <p>(c) <b>Each State Secretary must notify their Branch Secretary in writing that the State paid the Sustentation Fee referred to in paragraph (a) to the National Council and the amount of the fee within 7 days of the payment.</b></p> <p>(d) The payments of Sustentation Fees referred to in paragraph (a) must not be used by Branches for any other purpose</p>
<p>Add a new 81(g)</p>	<p>(g) <b>that part of a Branch roll of Membership kept by a State.</b></p>
<p>Amend Rule 85 including adding</p>	<p style="text-align: center;"><b>85. Rules - Operation and Amendment</b></p>

<p>new sub-rules and renumber the rule accordingly</p>	<p>(1) The Rules may only be amended in accordance with sub-rules (2), (4) or (5).</p> <p>(2) The Rules may be amended if:</p> <p>(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</p> <p>(b) National Council has resolved by a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution to amend the Rules in accordance with the proposed amendment referred to in paragraph (a), subject to sub-rule (3).</p> <p>(3) National Council may alter a proposed amendment to the Rules that has been submitted to Branches in accordance with paragraph (2)(a).</p> <p>(4) <b>Alternatively, the Rules may be amended if:</b></p> <p>(a) <b>National Council has resolved to amend the Rules;</b></p> <p>(b) <b>the resolution referred to in paragraph (a) has been submitted to each Branch after it has been passed;</b></p> <p>(c) <b>each of the Branch Committees of Management have agreed to the resolution within 60 days of it being passed; and</b></p> <p>(d) <b>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.</b></p> <p>(5) <b>Despite sub-rules (2) and (4), if it is necessary to amend the Rules so as to comply with the Fair Work Act, the Rules may be amended by a resolution of National Council or the National Committee of Management without any other requirement.</b></p>
<p>Add a new 92(aa3) and 92(aa4)</p>	<p>(aa3) <b>“State” means the designated geographical region of a Branch where Members of the Branch reside.</b></p> <p>(aa4) <b>“State Office” means the designated physical or virtual environment within a State where administrative, financial, and managerial activities are conducted to support the core operations of a state or territory of a State.</b></p>
<p>Amend subrules 96(4) to 96(8)</p>	<p><b>Election and appointment of workplace delegates</b></p> <p>(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.</p> <p>(4) The <b>State</b> Secretary (or their nominee) of the <b>State</b> in each Branch of the Union where the workplaces, enterprises or businesses are located (“<b>Relevant State</b>”) will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine the location of the workplace(s), enterprise(s) or business (es) that workplace delegates are to represent.</p> <p>(5) The <b>State</b> Secretary (or their nominee) of the <b>Relevant State</b> will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine the number of workplace delegates for a particular workplace (s), enterprise(s) or business(es).</p> <p>(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 <b>State</b> Organiser, Branch Officer or</p>

	<p>other person nominated by the <b>State</b> Secretary of the Relevant <b>State</b> (or their nominee).</p> <p>(7) The State Secretary of the Relevant State may, <b>consultation with the relevant Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine not to endorse the election of a workplace delegate. In the event the <b>State</b> 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.</p> <p>(8) Despite sub-rule (6), the <b>State</b> Secretary of the Relevant <b>State</b> 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).</p> <p>(9) A duly elected or appointed delegate will be recorded by the Relevant State in a form and manner deemed appropriate by the Relevant Branch.</p> <p>(10)</p>
Amend subrules 94(12) to 94(17)	<p>(12) The <b>State</b> Secretary (or their nominee) of the Relevant Branch will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine the location of the workplace(s), enterprise(s) or business (es) that workplace co-delegates are to represent.</p> <p>(13) The <b>State</b> Secretary of the Relevant Branch (or their nominee) where the workplaces, enterprises, or businesses are located will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b> 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.</p> <p>(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 <b>State</b> Organiser, Branch Officer or other person nominated by the Branch (or their nominee).</p> <p>(15) The <b>State</b> Secretary of the <b>State</b> Branch may, after <b>consultation with the relevant Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine not to endorse the election of a co-delegate. In the event the State 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.</p> <p>(16) Despite sub-rule 14, the <b>State</b> Secretary of the State Branch may, <b>after consultation with the relevant Branch Secretary, and subject to the Branch Secretary’s approval</b>, 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).</p> <p>(17) A duly elected or appointed co-delegate will be recorded by the Relevant State in a form and manner deemed appropriate by the Relevant State.</p>
Amend r.94(23)	<p>(23) A delegate or co-delegate must produce, at the request of the Branch Secretary of the Relevant Branch <b>or the State Secretary of the Relevant State</b> (or their nominee) a report about matters specified by the Branch Secretary <b>or the State Secretary</b> (or their nominees).</p>
Amend r.94(24)	<p>(24) <b>After consultation with the Branch Secretary, and subject to Branch Secretary’s approval, the State Secretary</b> 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:</p>

	<ul style="list-style-type: none"> <li>(a) has not appropriately discharged their functions;</li> <li>(b) has neglected their duties</li> <li>(c) has committed a breach of the Rules or an applicable policy of the Union;</li> <li>(d) has engaged in misbehaviour; or</li> <li>(e) has engaged in conduct that brings or has the capacity to bring the Union into disrepute.</li> </ul>										
Add a new r.95	<p style="text-align: center;"><b>95. Transitional Rule -Office Holders</b></p> <p>(1) In this rule, the words in column A have the meaning assigned in column B:</p> <table border="1" data-bbox="395 663 1471 1077"> <thead> <tr> <th style="text-align: center;">A</th> <th style="text-align: center;">B</th> </tr> </thead> <tbody> <tr> <td><b>Certification Day</b></td> <td>The day on which this transitional rule is certified by the Fair Work Commission</td> </tr> <tr> <td><b>Office</b></td> <td>Has the same meaning as defined by section 9 of the <i>Fair Work (Registered Organisations) Act</i>.</td> </tr> <tr> <td><b>Office Holder</b></td> <td>A person who holds an Office in the TWU (including such a person when performing duties as a designated officer under Part 3 of Chapter 8 of the <i>Fair Work (Registered Organisations) Act</i>.</td> </tr> <tr> <td><b>Incumbent Office Holder</b></td> <td>A person elected or appointed under these rules to an Office and holding that Office as at the Certification Day.</td> </tr> </tbody> </table> <p>(2) The purpose of this transitional rule is to provide continuity for incumbent Office Holders in the period between the Certification Day, and the date persons declared elected to an Office in the 2026 election take office.</p> <p>(3) This rule:</p> <ul style="list-style-type: none"> <li>(a) will commence to operate on, and from, the Certification Day;</li> <li>(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</li> <li>(c) shall cease to have an effect on and from 10 January 2027.</li> </ul> <p>(4) Incumbent Office Holders will continue to hold office until 10 January 2027, or until the persons declared elected in the 2026 election take office, whichever is later.</p>	A	B	<b>Certification Day</b>	The day on which this transitional rule is certified by the Fair Work Commission	<b>Office</b>	Has the same meaning as defined by section 9 of the <i>Fair Work (Registered Organisations) Act</i> .	<b>Office Holder</b>	A person who holds an Office in the TWU (including such a person when performing duties as a designated officer under Part 3 of Chapter 8 of the <i>Fair Work (Registered Organisations) Act</i> .	<b>Incumbent Office Holder</b>	A person elected or appointed under these rules to an Office and holding that Office as at the Certification Day.
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<b>Incumbent Office Holder</b>	A person elected or appointed under these rules to an Office and holding that Office as at the Certification Day.										
Amend Rule Annexure F including adding new sub-rules and renumber the rule accordingly	<p style="text-align: center;"><b>ANNEXURE F - SPECIAL RULE - NEW SOUTH WALES and ACT MEMBERS</b></p> <p style="text-align: center;"><b>1. Application Form and Admission</b></p> <p style="text-align: center;"><b>2.</b></p> <p>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 Transport Workers' Union of New South Wales, an industrial union of employees registered under the Industrial Arbitration Act 1940, (hereinafter called "<b>the State Trade Union</b>") 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.</p> <p style="text-align: center;"><b>2. Intentionally blank</b></p>										

### 3. Contributions

- (1) The **TWU NSW** Secretary must pay from the **TWU NSW (State) of the Eastern Branch** to the National Council sustentation fees for 2026 and each subsequent year, an amount equal to 12.69% of income received as Annual Fees from all members of the Union enrolled in the **TWU NSW**.
- (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 **TWU NSW (State) of the Eastern Branch** of the Union from Members Union for the purposes of sub-rule 3(1) of this Annexure F.

### 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 and ACT Members of the Eastern Branch Committee of Management

The **NSW and ACT members of the Eastern Branch Committee of Management** shall determine the number of Committee members being representative of the Sub-Branched ahead of each quadrennial election.

### 8. Sub-Branched

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

- (a) There shall be four Sub-Branched to be known respectively as Sydney and Central, Newcastle and Northern, South Coast and Southern, and Canberra. The membership and boundaries of these Sub-Branched 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 **NSW and ACT members of the Eastern** Branch Committee of Management agree to form or resolve to disband an **NSW or ACT** 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-Branches 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 Committee **members** to be determined by **the NSW and ACT members of the Eastern Branch** Committee of Management. The maximum number of Committee **members** 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 NSW and ACT Members of the Eastern Branch Committee of Management**

See Rules 30 and 60.

### **10. Election of Eastern Branch Officers**

- (1) Subject to sub-rule (2), see Rule 60A
- (2) Subrule 60A(1)(g) is replace with:

**One or two TWU NSW State Assistant Secretaries (the number to be determined by the Eastern Branch Committee of Management by resolution immediately prior to the election).**

### **11. Election of Members of TWU NSW Sub-Branch Executive Committee**

Elections shall be held in 2026 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.

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

- (1) See Rule 57.
- (2) 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.

### **13. 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.

### **14. 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.

### **15. Meetings - Quorums**

- (1) At all Sub-Branch Executive Committee meetings, a majority of the members elected to the Sub-Branch Executive Committee shall form a quorum.
- (2) 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.

### **16. 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.

#### **17. Agenda Items**

A Sub-Branch on its own initiative may submit in writing items to be placed on the agenda paper of the **Eastern** Branch Committee of Management for consideration at meetings of the Branch Committee of Management.

#### **18. Definitions**

**In this Special Rule, TWU NSW has the same meaning as subrule 16(2) and 16(3) of the substantive Rules.**

#### **Housekeeping Amendments**

Replace the words “Workplace Relations Act” with “**Fair Work (Registered Organisations) Act**” where necessary.

Replace the words “Industrial Registrar” with “**Fair Work Commission**” where necessary.

## Annexure "EM3"

### Transport Workers' Union of Australia

#### National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



24 March 2026

### BY EMAIL

Dear National Councillors

### Notice of Special Meeting of National Council – 24 April 2026, 12:30pm AEST

In accordance with the TWU rules 46(4) and 46(5), I provide notice of a special National Council meeting to address urgent business. The special national council meeting is scheduled to take place at 12:30pm (AEST) on Friday, 24 April 2026 via zoom.

The urgent business to be dealt with at the special meeting of National Council is as follows:

1. Necessary amendments to the Rules, including transitional rules, that flow from reducing the number of Branches and restructuring their internal composition.
2. Housekeeping amendments to the Rules.

In relation to the proposed rule changes, these are contained at **Annexure A**.

We will be in touch in the near future with the zoom link.

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NSW/QLD/VIC/TAS (Interim Governance)  
Branch Secretary **Richard Olsen**  
NSW: 1800 729 909  
Qld: 07 3890 3066  
Vic/Tas: 1300 727 614

SA/NT Branch  
Secretary  
**Sam McIntosh**  
08 8346 4177

WA Branch  
Secretary  
**Tim Dawson**  
08 6313 3000

## Transport Workers' Union of Australia

### National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



National Secretary  
**Michael Kaine**

Please contact Lorraine Biviano on 0419 302 121 or by email at [lorraine.biviano.com.au](mailto:lorraine.biviano.com.au) if you have any inquiries.

Regards,

**Richard Olsen**  
**National President**

**Michael Kaine**  
**National Secretary**

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## Annexure A

### Suggested alterations to the Rules of the Transport Workers Union of Australia

#### PURPOSE

1. Necessary amendments to the Rules, including transitional rules, that flow from reducing the number of Branches and restructuring their internal composition.
2. Housekeeping amendments to the Rules.

#### Notes:

1. The proposed changes to existing rules are marked in red.
2. Proposed new rules are marked in red.

RULE	ALTERATION
Amend r.5(1)	(1) <b>Subject to subrule 1A</b> , an applicant for membership of the Union shall forward or cause to be forwarded to the <b>State Secretary of the particular State</b> of the Branch in which the person presently resides.
Add a new r.5(1A)	<b>(1A) An applicant for membership as a Gig Member, Pilot Member or Cabin Crew Member shall forward or cause to be forwarded to the National Secretary:</b> (a) <b>an online application form via the Union's Website or</b> (b) <b>an application form approved for use by those applicants.</b>
Amend r.6(1)	(1) A person becomes a Member immediately upon making an application in accordance with subrule rules 5(1) or <b>5(1A)</b> .
Add a new r.6(2A)	<b>(2A). The National Secretary may reject an application for admission to Membership made under subrule 5(1A) if, in their opinion, the applicant is of general bad character.</b>
Amend r.8(2)	(2) <b>Subject to Rule 2A</b> , the Annual Fee must be paid by: (i) <b>Members to the State Office of the State in which the Member resides; or</b> (ii) <b>Gig, Pilot and Cabin Crew Members to the National Office.</b>
Add a new r.8(2A)	<b>(2A) the National Committee of Management may prescribe that the Annual Fee is paid differently to subrule 2 for particular classes of employees from time to time.</b>
Amend r.8(5)(c)	(c). in the case of the <b>TWU SA/NT</b> - half the Annual Fee <b>is to be paid</b> by 28 February, and the other half by 31 August.
Amend r.8(6)(a)	(6)(a) A Branch Committee of Management may resolve that the Annual Fee paid by Members to the <b>relevant State Office</b> in accordance with sub-rule (2)(i) 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.
Amend r.8(6A)(a)	(6A)(a) The National Secretary may determine that the Annual Fee Paid by <b>Gig Members, Pilot Members and Cabin Crew Members</b> in accordance with sub-rule (2)(ii) is to be paid by instalments, payroll deductions or any appropriate method on such terms and

	conditions as the National Secretary considers appropriate.
Amend r.8(9)(a)	(9)(a) A Financial Member may apply for a refund of the Annual Fee for the current year to the State Secretary <b>of the State in which the Member resides</b> by providing full details in writing of the reasons for the refund.
Amend r.10(3)	(3) An Unfinancial Member becomes a Financial Member immediately upon <b>the relevant State Office of the State in which the Member resides</b> receiving payment of all unpaid Dues into its bank account.
Amend r.11(1)	(1) Member may resign from Membership by notice in writing addressed to the <b>State Secretary of the Branch in which the Member resides and delivered to the relevant State Office.</b>
Add a new r.11(1A)	<b>(1A) Subject to subrule 11(1B), Gig Members, Pilot Members and Cabin Crew Member may resign from Membership by notice in writing addressed to the National Secretary and delivered to the National Office.</b>
Add a new r.11(1B)	<b>(1B) The National Committee of Management may determine alternate methods for Gig Members, Pilot Members and Cabin Crew Member to resign from Membership.</b>
Amend r.12 including adding a new r.12.4	<p>(1) <b>Subject to subrule 12(1A), if a Member changes residence and wishes to transfer from one Branch to the other, (or to another State within the same Branch), 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.</b></p> <p>(2) The Branch Secretary must, on receipt of the application, grant the transfer.</p> <p>(3) The Branch Secretary must send a copy of the application for transfer and particulars of the Member's financial position <b>to the relevant State Secretary and, if applicable, the other Branch Secretary.</b></p> <p>(4) <b>In this rule, “in writing” means by letter, email, or signed documents in electronic or hardcopy form.</b></p>
Add a new r.15(3) and renumber the rule 15 accordingly	<b>(3) Each State Secretary must keep at the State Office that part of the Branch’s roll of the Membership, recording the Membership number, name, address and date of enrolment of each Member enrolled in that State of the Branch.</b>
Amend the renumbered rules 15(4) and 15(5)	<p>(4) The register and rolls referred to in sub-rules (1), (2) <b>and (3)</b> must be available for inspection by the industrial registrar of the principal registry established under the Fair Work Act or any person appointed by the registrar.</p> <p>(5) The roll of the Membership referred to in sub-rules (2) <b>and (3)</b> must be made available to the National Secretary on request.</p>
Add a new r.16(6)	<b>(6) The part of the Branch’s roll of the Membership referred to in sub-rules (3) must be made available to the Branch Secretary on request.</b>
Delete the words of the current rule 16 and new wording	<p style="text-align: center;"><b>16. Formation and Constitution of Branches</b></p> <p>(1) For the purpose of assisting National Council to control and manage the Union, a Branch may be constituted in one or more geographical States and Territories.</p> <p>(2) There are currently two Branches of the Union:</p> <p style="padding-left: 40px;">a. the “Transport Workers Union of Australia Eastern Branch”, consisting of all Members residing in New South Wales, Queensland, Victoria, Tasmania and the Australian Capital Territory; and</p> <p style="padding-left: 40px;">b. <u>the</u> “Transport Workers’ Union of Australia - Central and Western Branch”, consisting of all Members residing in the Northern Territory, South Australia and</p>

	<p style="text-align: center;">Western Australia.</p> <p>(3) Each Branch will contain Members residing in geographical regions, referred to in these Rules as “States.”</p> <p>(4) The States of the Eastern Branch are:</p> <ol style="list-style-type: none"> <li>a. TWU NSW, consisting of all Members residing in NSW and the Australian Capital Territory;</li> <li>b. TWU QLD, consisting of all Members residing in Queensland; and</li> <li>c. TWU Vic/Tas, consisting of all Members residing in Victoria and Tasmania.</li> </ol> <p>(5) The States of the Central and Western Branch are:</p> <ol style="list-style-type: none"> <li>a. TWU WA, consisting of all Members residing in Western Australia; and</li> <li>b. TWU SA/NT, consisting of all Members residing in South Australia and the Northern Territory.</li> </ol>
Delete the current rule 17	<b>17. Intentionally blank</b>
Amend r.18	<p style="text-align: center;"><b>18. Membership in a Geographical State or Territory where a Branch is not Constituted</b></p> <p>If, for any reason, a Branch is not constituted, all matters relating to Membership in that <b>geographical</b> state or territory must be administered at a National level. In such cases any reference in part 3 or rule 86 to:</p> <ol style="list-style-type: none"> <li>(a) “Branch Secretary” is to be read as “National Secretary”;</li> <li>(b) “Branch Committee of Management” is to be read as “National Committee of Management”;</li> <li>(a) “Branch” is to be read as “National Council”; <b>and</b></li> <li>(b) <b>Branch Secretary is to be read as National Secretary.</b></li> </ol>
Amend r.19	<p style="text-align: center;"><b>19. Mutual Support</b></p> <p>National Council and each Branch (<b>including each State forming part of a Branch</b>) are <b>jointly and severally</b> pledged to, and must, loyally support each other, financially and otherwise, when required, subject to rule 20.</p>
Amend r.20(1)	<p>(1) A Branch <b>or State of a Branch</b> that fails to comply with:</p> <ol style="list-style-type: none"> <li>(a) any provision in the Rules, or</li> <li>(b) decision of National Council,</li> </ol> <p><b>will cease</b> to be entitled to representation on National Council until:</p> <ol style="list-style-type: none"> <li>(c) the provision in the Rules, or the decision of National Council is complied with; or</li> <li>(d) a satisfactory explanation for the non-compliance has been accepted by a resolution of National Council.</li> </ol>
Amend r. 20(2)	<p>(2) The National Council may withhold assistance from any Branch <b>or a State forming part of a Branch</b> that enters into an industrial dispute without having first obtained the permission of National Council.</p>
Amend r.21	<p style="text-align: center;"><b>21. Branches or States that do not pay Sustentation Fees</b></p> <p>Any Branch (<b>or any State forming part of a Branch</b>) 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 <b>due</b> Sustentation Fees and Levies <b>owed by the Branch or State of a Branch are paid.</b></p>

<p>Delete the words in the current rule 22A and replace with these words.</p>	<p style="text-align: center;"><b>22A. Reconstituting a Branch</b></p> <p>(1) National Council has the specific power to reconstitute a Branch;</p> <ul style="list-style-type: none"> <li>(a) which fails to comply with any provision of the Rules regarding a State;</li> <li>(b) which fails to comply with any decision of National Council regarding a State;</li> <li>(c) the Branch Committee of Management, which acts contrary to law regarding a State;</li> <li>(d) the Branch Committee of Management, which fails to carry out its obligations regarding a State;</li> <li>(e) where a State forming part of a Branch; <ul style="list-style-type: none"> <li>(i) fails to comply with any provision of the Rules;</li> <li>(ii) fails to comply with any decision of National Council or the Branch Committee of Management;</li> <li>(iii) acts contrary to law;</li> <li>(iv) fails to carry out its obligations;</li> <li>(v) effectively ceases to function; or</li> </ul> </li> <li>(f) where the Branch Committee of Management of a Branch resolves to request that the National Council reconstitute the Branch and exercise its power under this sub-rule 22A(2) to attach members residing in a State forming part of that Branch to another State of the Branch or to the other Branch.</li> </ul> <p>(2) If National Council acts in accordance with sub-rule (1), it must, subject to sub-rules (3) and (4) attach the Affected Members;</p> <ul style="list-style-type: none"> <li>(a) to another State of the Branch; or</li> <li>(b) to the other Branch</li> </ul> <p>if it is considered, this will provide an appropriate means for the Affected Members to participate in the affairs of the Union and promote its efficient management.</p> <p>(3) If National Council acts in accordance with sub-rule (2)(a):</p> <ul style="list-style-type: none"> <li>(a) Members residing in the Affected State are removed from the roll of members held by that State of the Branch and are attached to another State of the Branch (“Other State”);</li> <li>(b) the funds and property of the Branch in the Affected State must be transferred to the Other State;</li> </ul> <p>(4) If National Council acts in accordance with sub-rule (2)(b):</p> <ul style="list-style-type: none"> <li>(a) the Affected Members become Members of the other Branch for the purposes of the Rules;</li> <li>(b) the funds and property of the Affected State must be transferred to the other Branch;</li> <li>(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)(g) until the next ordinary election in the other Branch in the following way: <ul style="list-style-type: none"> <li>(i) A number of additional members of the Branch Committee of Management under paragraph 30(2)(h) must be determined having regard to the relative number of Affected Members in that State 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</li> </ul> </li> </ul>
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Management exceeds the relevant number set out in 30(2)(h));

- (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 rules 30 and 60.
  - (iv) The additional members of the Branch Committee of Management hold office until the next ordinary election in the other Branch.
- (d) 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 of the Affected State 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) National Council may at any time resolve to reverse a reconstitution of a Branch under sub-rule 1 and restore the Affected State to the position it was before the reconstitution.
- (7) If National Council acts in accordance with sub-rule (6):
- (i) Affected Members are re-attached to the Reconstituted State and become members of that Branch, (if they were transferred to another Branch under sub-rule 4(a));
  - (ii) the funds and property of the Branch transferred under sub-rules 3(b) or 4(b) must be transferred back to the Reconstituted State;
  - (iii) additional Branch Committee of Management appointed under sub-rule 4(c) cease to hold office.
  - (iv) 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)(g) until the next ordinary election in accordance with sub-rule 4(c)(i) to (iv);
  - (v) additional National Councilors appointed under sub-rule 4(c) cease to hold office; and

	<p>(vi) National Council must temporarily increase the number of persons who are National Councillors of the Branch that the Reconstituted State in accordance with sub-rule 4(d) (i) to (iv).</p> <p>(8) In this rule:</p> <p>(i) “Affected Members” means the group of Members of an Affected State before it was reconstituted in accordance with sub-rule (1);</p> <p>(ii) Affected State means the State of a Branch whose members are to be removed immediately before it was reconstituted in accordance with sub-rule (1);</p> <p>(iii) “Reconstitute a Branch” means removing Members residing in a particular State forming part of a Branch and attaching them to another State of that Branch or to the other Branch.</p> <p>(iv) Reconstituted State means an Affected State that is restored under sub-rule 6.</p>
Rename the current rule 22A as 22B	<b>22B. Administration of a Branch</b>
Add a new r.22B(1)(d)	(1)(d) the Branch Committee of Management of which fails to carry out its obligations;
Amend r.22B(2)(c) and 22(2)(d)	<p>(2)(c) Without limiting sub-rule (2)(a), National Council has all the powers afforded to the Affected Branch, (including the States forming part of a Branch), under Rule 31 until the Affected Branch is released from administration;</p> <p>(2)(d) The powers given to the Affected Branch President, Vice President, Branch Secretary and State Secretaries under Rules 35, 36, 37 and sub-rule 40(2) are suspended until the Affected Branch is released from administration;</p>
Amend r.22B(2)(9)	(2)(9) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22 or reconstitute a Branch under rule 22A and sub-rule 25(2)(b) or exercise its powers under rule 22.
Add a new r.22C	<p><b>22C. Administration of a State</b></p> <p>(1) National Council has the specific power to place a a State forming part of a Branch State under administration for a period of up to twelve months which:</p> <p>(a) fails to comply with any provision of the Rules;</p> <p>(b) fails to comply with any decision of National Council or the Branch Committee of Management;</p> <p>(c) acts contrary to law; or</p> <p>(d) fails to carry out its obligations.</p> <p>(2) If National Council acts in accordance with sub-rule (1),</p> <p>(a) National Council has control of all business of the Union within the State placed under administration until the Affected State is released from administration;</p> <p>(b) The powers given to the Branch Committee of Management of the Affected Branch under rule 31 regarding the State placed under administration until the Affected State is released from administration;</p> <p>(c) Without limiting sub-rule (2)(a), National Council has all the powers afforded to the Affected Branch under Rule 31 regarding the State placed under administration until the Affected State is released from administration;</p> <p>(d) The powers given to the Branch President, Vice President, Secretary, Assistant Secretary, and the State Secretary and Assistant Secretary, under Rules 35, 36, 37</p>

	<p>and 40(2) regarding the State placed under administration are suspended until the Affected State is released from administration;</p> <p>(e) The National Council has all the powers given to the Branch President, Vice President, Secretary, Assistant Secretary, and the State Secretary and Assistant Secretary under Rules 35, 36, 37, 37A and 40(2) regarding the State placed under administration are suspended until the Affected State is released from administration;</p> <p>(b) The powers given to the Trustees of the Affected Branch under rule 38 regarding the State placed under administration are suspended regarding the State placed under administration are suspended until the Affected State is released from administration;</p> <p>(g) The National Council has all the powers given to the Branch Trustees under Rule 38 regarding the State placed under administration is released from administration;</p> <p>(3) The National Council may exercise the powers afforded to it under sub-rules 22C(2)(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 State.</p> <p>(4) In this rule, “Affected State” means a State placed under the administration of National Council in accordance with sub-rule (1).</p> <p>(5) No action taken by National Council in accordance with sub-rule (1) affects the Membership rights of Members of the Affected Branch.</p> <p>(6) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, reconstitute a Branch under rule 22A, place a Branch in administration under rule 22B and sub-rule 25(2)(b) or exercise its powers under rule 22.</p> <p>(7)</p>
Amend r.23	<p style="text-align: center;"><b>23. Special Rule - New South Wales</b></p> <p>(1) The provisions contained in Annexure F apply in respect of <b>Members of the Eastern Branch residing in the geographical territory covered by TWU NSW.</b></p> <p>(2) Nothing contained in Annexure F affects the application of any other Rule to the <b>Eastern Branch</b> and to:</p> <ol style="list-style-type: none"> <li>a. the holders of offices within, and</li> <li>b. the Members of the <b>Eastern Branch</b>,</li> </ol> <p>except insofar 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.</p>
Amend r.24, add a new sub-rule 24(1)(d) and renumber the subrule accordingly.	<p style="text-align: center;"><b>24. National Council</b></p> <p>(1) National Council consists of:</p> <ol style="list-style-type: none"> <li>(a) the National Secretary;</li> <li>(b) the National Assistant Secretary;</li> <li>(c) <b>each Branch Secretary;</b></li> <li>(d) <b>each State Secretary;</b></li> <li>(e) any additional National Councillors representing a State pursuant to sub-rule (2);</li> <li>(f) the TWU NSW Canberra Sub-Branch Secretary;</li> </ol>

	<ul style="list-style-type: none"> <li>(g) any additional National Councillors pursuant to paragraph 22(4)(e) and 22A(d);</li> <li>(h) a National Councillor residing in the Northern Territory elected directly by Members of the Central and Western Branch who reside in the Northern Territory;</li> <li>(i) a National Councillor residing in Tasmania elected directly by members of the Eastern Branch residing in Tasmania; and</li> <li>(j) a woman National Councillor representing each State.</li> <li>(k) a Pilots National Councillor representing members of the Union who are Pilots elected in accordance with Rule 59B.</li> </ul> <p>(2) In addition to its State Secretary and any additional National Councillors pursuant to sub-rule 22(4)(e) or 22A(d), each State is entitled to 1 additional National Councillor and also the following number of National Councillors (based on its Effective Membership):</p> <ul style="list-style-type: none"> <li>(a) from 3,001 Effective Members of a State of a Branch up to and including 6,000 Effective Members of a State of a Branch - 1 additional National Councillor;</li> <li>(b) from 6,001 Effective Members of a State up to and including 9,000 Effective Members of a State of a Branch - 2 additional National Councillors; and</li> <li>(c) 9,001 Effective Members or more of a State of a Branch - 3 additional National Councillors.</li> </ul> <p>(3) (a) To help ensure that the National Council is properly apprised of issues confronting females in the transport industry, a committee will be established to provide input to National Council annually.</p> <p>(b) The committee shall be comprised of one woman from each State and one woman from National Office.</p> <p>(c) The committee will provide input into the policy-making process of National Council but will not hold voting rights at National Council.</p>
Amend r.252(b) and 25(2)(ba)	<p>(2)(b) disbanding and reconstituting Branches in accordance with rules 22 and 22A;</p> <p>(2)(ba) placing Branches and States under administration in accordance with rule 22B and 22C;</p>
Amend r.28(d)a new r.28(e)	<p>(d) each Branch Secretary, if not already a member by virtue of being elected to the position of National President; and</p> <p>(e) each State Secretary, if not already a member by virtue of being elected to the position of National President.</p>
New 29(2)(h) & 29(2)(i)	<p>(h) approve out-of-budget expenditure by the National Office.</p> <p>(i) setting 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.</p>
Amend rule 30 including adding new subrules and renumbering the rule as appropriate.	<p style="text-align: center;"><b>30. Branch Committee of Management</b></p> <p>(1) Each Branch must have a Branch Committee of Management.</p> <p>(2) The Branch Committee of Management consists of:</p>

- (a) the Branch President,
- (b) the Branch Vice-President(s),
- (c) the Branch Secretary,
- (d) the Branch Assistant Secretary,
- (e) each State Secretary
- (f) each State Assistant Secretary;
- (g) one Trustee per State within the Branch, and
- (h) for the Eastern Branch, not more than 33 members made up of:
  - i. not more than 17 members in total from TWUNSW;
  - ii. not more than 7 members in total from TWUQLD; and
  - iii. not more than 9 members in total from TWUVic/Tas (with one of those representing Tasmania)
- (i) for the Central Western Branch, not more than 20 members made up of:
  - i. not more than 12 members in total from TWUWA
  - ii. not more than 8 members in total from TWUSA/NT

- (3) The Branch Committee of Management (BCOM) consists of Members elected by a ballot of the Members enrolled in the Branch who are eligible to vote in accordance with sub-rule 60(12). The number of BCOM members from each state within a Branch shall be determined on the basis of proportionality of membership and determined by the BCOM ahead of each quadrennial election after the 2026 quadrennial election. The numbers for the 2026 Quadrennial election are as follows as follows:

#### **Eastern Branch**

- (4) Members ordinarily residing in New South Wales and the ACT will elect 17 members of the Branch Committee of Management who ordinarily reside in NSW and the ACT to represent the interests of NSW and ACT Members in accordance with the procedures in Attachment F.
- (5) Members who ordinarily reside in Queensland will elect in accordance with Rule 60, 7 members of the Branch Committee of Management who ordinarily reside in Queensland to represent the interests of Queensland Members (the number to be determined by the Committee of Management before each quadrennial election).
- (6) Members who ordinarily reside in Victoria and Tasmania will elect in accordance with Rule 60, 9 members of the Branch Committee of Management who ordinarily reside in Victoria and Tasmania to represent the interests of Victoria and Tasmanian Members (the number to be determined by the Committee of Management before each quadrennial election).

#### **Central and Western Branch**

- (7) Members who ordinarily reside in Western Australia will elect in accordance with Rule 60, 12 members of the Branch Committee of Management who ordinarily reside in Western Australia to represent the interests of Western Australian Members (the number to be determined by the Committee of Management before each quadrennial election).
- (8) Members who ordinarily reside in South Australia and the Northern Territory will elect

	<p>in accordance with Rule 60, 8 members of the Branch Committee of Management who ordinarily reside in South Australia and the Northern Territory to represent the interests of South Australia Members (the number to be determined by the Committee of Management before each quadrennial election).</p>
Amend rule 31(2)(f) and 31(2)(l) and add a new r.31(2)(m).	<p>(2)(f) <b>scrutinise</b> the remuneration and other entitlements, including termination and severance payments, of employees of the Union employed <b>across</b> the Branch, <b>including States</b>;</p> <p>(2)(l) resolving that, where appropriate, concise financial reports be provided to members in accordance with Schedule 1B of the <b>Fair Work Act</b> 1996 as amended from time to time.</p> <p><b>(2)(m) endorsing out-of-budget expenditure by the Branch and States.</b></p>
Amend r.33(2)(j), 33(2)(l) and 33(2)(u) and 33(3)(c)	<p>(2)(j) keeping a debit and credit account between National Council and each Branch <b>and State</b>;</p> <p><b>(2)(l) ensuring that prior to National Council</b> each Branch and National Councillor <b>receives</b> each year the audited statement of income and expenditure together with the audited statement of assets and liabilities;</p> <p>(2)(u) paying any termination or severance <b>payments in accordance with the relevant determination made by the National Committee of Management relating to such payments</b>; and</p> <p>(3)(c) Any amount, not within budget, as approved by National Council or the National Committee of Management <b>or the National Trustees</b>; and</p>
Delete the current r.34(c) and add a new r.34(c) and renumber rule 34 accordingly.	<p style="text-align: center;"><b>34. National Trustees</b></p> <p><b>(c) to scrutinise and approve out-of-budget expenditure by the National Office.</b></p>
Amend r.36(1)	<p>(1) Each Branch must have <b>at least one</b> Branch Vice-President.</p>
Amend Rule 37 including adding new sub-rules and renumber the rule accordingly	<p style="text-align: center;"><b>37. Branch Secretary</b></p> <p>(1) Each Branch must have a Branch Secretary.</p> <p>(2) The Branch Secretary is the chief executive officer of the Branch.</p> <p>(3) The powers and functions of the Branch Secretary include:</p> <ul style="list-style-type: none"> <li>(a) performing all functions of the Branch Secretary described in the Rules;</li> <li><b>(b) providing strategic leadership and operational oversight for the Branch;</b></li> <li>(c) acting as directed by the Branch Committee of Management;</li> <li><b>(d) oversee and supervise the State Secretaries;</b></li> <li><b>(e) attending media, industry forums, and public engagements;</b></li> <li>(f) attending all meetings connected with the Branch as far as practicable;</li> <li>(d) dealing with industrial matters in accordance with rule 69;</li> <li>(e) answering and filing correspondence;</li> <li>(f) issuing receipts for all money received by the Branch Secretary;</li> <li>(g) keeping all documents, books and accounts relating to the business of the Branch;</li> <li>(h) being custodian of the property of the Branch;</li> </ul>

- (k) **overseeing** the management of any Branch Office **and the State Offices within the Branch;**
  - (l) being in charge of those employees who work in any Branch Office;
  - (m) ensuring that, at all times, an appropriate number of persons are employed to assist in carrying out work **across** the Branch;
  - (n) employing suitably qualified persons at the Branch to assist in carrying out work **across** the Branch;
  - (o) remunerating persons employed in the Branch;
  - (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.
  - (s) **determining the number of Organisers required by the Branch at any time in accordance with sub-rule 39(1);**
  - (t) **managing the Branch Roll of Membership including the parts of the roll Members enrolled in the States forming part of the Branch and kept at State Offices.**
- (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.
- (b) During the period of temporary absence of the Branch Secretary referred to in paragraph (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).

- (1) The powers and functions of each State Secretary include:
- (a) performing all functions of the State Secretary described in the Rules;
  - (b) acting as directed by the Branch Secretary;
  - (c) managing the State Office, including but not limited to overseeing and supervising the day-to-day operations of the office;
  - (d) managing State Office expenditure that is within the budget set by the Branch Committee of Management;
  - (e) attending all meetings connected with that State as far as practicable;
  - (f) dealing with industrial matters in that State in accordance with rule 69;
  - (g) answering and filing correspondence;
  - (h) issuing receipts for all money received by the State Secretary;
  - (i) depositing all money received in the State Office bank account at least weekly;
  - (j) keeping all documents, books and accounts relating to the business of the Branch in that State;
  - (k) issuing notices to Members who reside in that State who are in arrears with their Dues;
  - (l) being custodian of the movable property of the Branch located in that State;
  - (m) paying Sustainment Fees to National Council in accordance with sub-rule 71(2)(a);
  - (n) managing those employees who work in the State Office;
  - (o) ensuring (in consultation with the Branch Secretary) that, at all times, an appropriate number of persons are employed to assist in carrying out the work of the Branch in that State;
  - (p) employing suitably qualified persons to assist in carrying out the work of the Branch in that State;
  - (q) subject to the directions of the Branch Secretary, remunerating persons employed in the State.
  - (r) subject to the directions of the Branch Secretary, terminating the employment of any persons employed in that State who, in the opinion of the State Secretary:
    - i. do not satisfactorily perform their duties; or
    - ii. are found guilty of serious misconduct; or
    - iii. have abandoned their employment; or
    - iv. are employed in a role which is no longer required to be performed in carrying out the work of the Union.
  - (s) subject to the directions of the Branch Secretary, paying any termination or severance payments in accordance with the relevant resolution made by the Branch Committee of Management relating to such payments; and

	<p>(t) reporting any decision made by the State Secretary to employ a person or terminate a person's employment to the Branch Secretary.</p> <p>(u) Managing the Roll of Membership of Members enrolled in that State.</p> <p>(v) keeping bank accounts and funds for that State of the Branch described in the Rules;</p>
Delete the current r.38(1) and replace it with a new r.38(1) and add a new r.38(2)(c) and renumber the rule accordingly.	<p>(1) Each Branch must have a Branch Trustee for each of the States of the Branch.</p> <p>2(c) to scrutinise expenditure and approve out-of-budget expenditure by the Branch or a State forming part of the Branch;</p>
Amend r.39	<p style="text-align: center;"><b>39. Branch Organisers</b></p> <p>(1) Each Branch must have a number of Branch Organisers to be determined by the Branch Secretary.</p> <p>(2) The powers and functions of the Branch Organisers are:</p> <p>(a) to assist in the work of the Union generally;</p> <p>(b) to discharge duties allocated to them by the Branch Secretary or the State Secretary.</p>
Add a new r.40(2)(b)	<p>(2)(b) State Assistant Secretary:</p> <p>(i) to assist the State Secretary;</p> <p>(ii) when the State Secretary is absent, to perform the duties of the State Secretary; and</p> <p>(iii) at all times, to act subject to the control and direction, in order of precedence, of:</p> <p>(A). the Branch Secretary; and</p> <p>(B). the State Secretary.</p>
Amend r.46(2)	<p>(2) Upon a request in writing by:</p> <p>(a) 80% of National Councillors, or</p> <p>(b) 2 or more Branch Committees of Management,</p>
Amend r.50(1)b	<p>(1)(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 State 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.</p>
Delete the current r.50(3) and insert a new r.50(3)(a) and r.50(b)	<p>(3)(a) At meetings of the Central Western Branch Committee of Management 12 members of the Branch Committee of Management form a quorum subject to at least 50% of the members representing each State being present.</p> <p>(3)(b) At meetings of the Eastern Branch Committee of Management 20 members of the Branch Committee of Management form a quorum subject to at least 50% of the members representing each State being present.</p>
Amend Rule 53 including adding new sub-rules and renumber the rule accordingly	<p style="text-align: center;"><b>53. Voting</b></p> <p>(1) In meetings and ballots of National Council votes must be allocated in the following way:</p> <p>(a) The National Secretary is entitled to 1 vote;</p> <p>(b) The National Assistant Secretary is entitled to 1 vote;</p> <p>(c) Each Branch Secretary is entitled to 1 vote;</p>

- (d) Each State is entitled to at least 1 vote;
- (e) If the number of Effective Members of a State exceeds 1,000, the State is entitled to 1 additional vote for each additional 1,000 Effective Members or part thereof;
- (f) Subject to paragraph (e), the total number of votes to which a State is entitled must be allocated equally amongst the National Councillors representing the State (including the State Secretary) who are present at the meeting or who have indicated to the National President that they intend voting in the ballot;
- (g) If the votes cannot be allocated equally in accordance with paragraph (d), the remaining vote or votes must be distributed first to the State Secretary and then in the order the National Councillors were elected;
- (h) 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
- (i) The TWU NSW Canberra Sub-Branch Secretary elected in accordance with Rule 24(1)(e) shall be entitled to one vote.
- (j) 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) The National Secretary is entitled to 1 vote;
- (b) Each Branch Secretary is entitled to 1 vote;
- (c) The National President is entitled to 1 vote (unless they are a Branch Secretary, in which case their entitlement to votes is determined by sub-paragraph (b)).
- (3) Intentionally Blank
- (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) Subject to subrule 5A, below, in meetings and ballots of bodies within the Union other than National Council, each member of the body is entitled to 1 vote.
- (5A) All ballots of the Central Western Branch Committee of Management require a minimum of 75% of the votes to pass.
- (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, 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:

	<p>(a) The election must be conducted under the "first past the post" voting system; and</p> <p>(b) The chairperson must appoint a returning officer to conduct the election.</p>
<p>Amend Rule 54 including adding new sub-rules and renumber the rule accordingly</p>	<p style="text-align: center;"><b>54. Decisions by Postal or <b>Electronic</b> Ballot</b></p> <p>(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 or <b>electronic</b> ballot on any matter other than alteration of the Rules.</p> <p>(2) A ballot must be conducted in accordance with sub-rules (3), (4), (5), (6), <b>(7), (8) and (10)</b>:</p> <p>(a) in the cases of National Council and the National Committee of Management - by the National Secretary; and</p> <p>(b) in the case of the Branch Committee of Management - by the Branch Secretary.</p> <p>(3) A ballot paper must be sent by certified mail to each member of the bodies referred to in sub-rule (1).</p> <p>(4) The ballot paper must:</p> <p>(a) clearly state the motion; and</p> <p>(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.</p> <p>(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.</p> <p><b>(8) The person responsible for the conduct of the ballot, where it is practicable to do so, may utilise an electronic balloting system as an alternative to the paper balloting system.</b></p> <p><b>(9) An electronic balloting system to be utilised under sub-rule (6) must provide:</b></p> <p style="padding-left: 40px;"><b>a. for the security and secrecy of a ballot to the same extent that these rules provide; and</b></p> <p style="padding-left: 40px;"><b>b. that each committee member entitled to vote in the ballot is given the opportunity to vote.</b></p> <p>(10) The person conducting the ballot must count the votes and declare a result.</p> <p>(11) The decision of a body referred to in sub-rule (1) becomes effective when the result of the ballot has been declared in accordance with sub-rule (8).</p> <p>(12) 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.</p>
<p>Amend Rule 57 including adding new sub-rules and renumber the rule accordingly</p>	<p style="text-align: center;"><b>57. Eligibility to Nominate for and Hold Office</b></p> <p>(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:</p> <p>(a) a Financial Member, and</p>

- (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,
  - (D) a State Secretary,
  - (E) a Branch Assistant Secretary
  - (F) a State Assistant Secretary
  - (G) an employed Organiser

(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 State Secretary

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 **National Assistant Secretary**, Branch Assistant Secretary or **State Assistant Secretary** if that person has been a Financial Member continuously for the previous 12 months.

(2B) In addition to sub rule (2), if a person is from 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) **and 2(A)** if they have paid the whole of the Annual Fee continuously for the previous 3 years.

(2C) Subject to sub-rule **(2D)**, 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

	<p>a lump sum.</p> <p>(2D) Sub-rule (2C) 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.</p> <p>(3) The conditions of eligibility expressed in paragraphs (1A), (1B), (2)(d), (e), (f), (g), (2A) and 2(B) 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).</p> <p>(4) A person is not eligible to nominate for election to:</p> <p>(a) more than 1 National officer position that carries with it a full-time salary; or</p> <p>(b) more than 1 position in a Branch or State that carries with it a full-time salary.</p> <p>(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 National Secretary.</p> <p>(4B) A person may nominate for both the position of Branch Secretary and State Secretary within the same 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 Branch Secretary or the State Secretary, whichever is applicable.</p> <p>(5) A person is not eligible to nominate for election to more than 1 position on any Branch Committee of Management.</p> <p>(6) If a person is ineligible to nominate for election because of sub- rules (4) or (5), all nominations of that person are invalid.</p> <p>(13) 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.</p>
Amend r.60(2)(a)	(2) The Branch Returning Officer must call for nominations for elections to the positions of: (a) Members of the Branch Committee of Management in accordance with subrules 30(2) to 30(7);
Amend r.60(4)	(4) Nominations must close at noon on: (a) eighteen [18] days after it opens in 2026; and (b) eighteen [18] days after it opens every four years thereafter.
Amend r.60(5A)	(5A) A group of eligible members may nominate as members of a "Team Nomination", which must have a name and a named Team Leader.
Amend r.60(24)	(24) Persons declared elected to the positions referred to in sub-rule (2) take office on: (a) 10 January 2027; and (b) 10 January every four years thereafter,  and the retiring persons continue to hold office in the meantime.
Amend r.60(5E)	(5E) A Team Nomination must nominate an eligible person (or the required number of people) for each position in the Branch (including its States) for which nominations have

	<p>been called each person will be considered to have nominated for each position concerned.</p>
<p>Add a new r.60A</p>	<p><b>60A. Election of the Officers of the Branch Committee of Management</b></p> <p>(1) Subject to Annexure F, within twenty-eight days of 10 January 2027 and 10 January of every fourth year after that, each Branch Committee of Management will meet and elect by and from the members thereof the following Officers:</p> <ul style="list-style-type: none"> <li>(a) the Branch Secretary</li> <li>(b) the Branch President;</li> <li>(c) one or two Branch Vice- Presidents (the number to be determined by the Committee of Management by resolution immediately prior to the election);</li> <li>(d) the Branch Assistant Secretary</li> <li>(e) a State Secretary for each State from Members representing that State within the Branch;</li> <li>(f) State Assistant Secretaries for, one for each State from Members representing that State; and</li> <li>(g) One Branch Trustee for each State within the Branch).</li> </ul> <p>(2) The Branch Returning Officer shall call for nominations at the first session of the meeting immediately after the number of Branch Vice Presidents to be elected has been determined.</p> <p>(3) Subject to subrule (4), 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.</p> <p>(4) A candidate for State Secretary or State Assistant Secretary must be nominated by members of the Branch Committee of Management as follows:</p> <ul style="list-style-type: none"> <li>(a) only members of the Branch Committee of Management who represent the interests of NSW and ACT Members can nominate a candidate for TWU NSW Secretary or State Assistant Secretary.</li> <li>(b) only members of the Branch Committee of Management who represent the interests of Queensland Members can nominate a candidate for Queensland State Secretary or State Assistant Secretary.</li> <li>(c) only members of the Branch Committee of Management who represent the interests of the Victorian and Tasmanian Members can nominate a candidate for Victoria/ Tasmanian State Secretary or State Assistant Secretary.</li> <li>(d) only members of the Branch Committee of Management who represent the interests of South Australian and the Northern Territory Members can nominate a candidate for Northern Territory/South Australia State Secretary or State Assistant Secretary.</li> <li>(e) only members of the Branch Committee of Management who represent the interests of Western Australian Members can nominate a candidate for Western Australia State Secretary or State Assistant Secretary.</li> </ul> <p>(5) In the event of an election being necessary, the Returning Officer shall conduct such an election by secret ballot.</p> <p>(6) If all members of the Committee of Management are present, the Returning Officer will give each member of the Branch Committee of Management a ballot paper on which to</p>

	<p>record a vote, and the ballot paper must be returned to the Branch Returning Officer.</p> <p>(7) After members have voted, the Returning Officer will, together with such scrutineers as candidates may have appointed, count the votes and declare elected the members who receive the greatest number of votes.</p> <p>(8) All candidates elected take office at the conclusion of the Branch Committee of Management meeting at which the election was held.</p> <p>(9) If not all members of the Branch Committee of Management are present, the Returning Officer will send each member of the Committee of Management a ballot paper by priority-paid mail, along with 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.</p> <p>(10) 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. Only ballot papers returned to the Branch Returning Officer before the close of the poll may be included in the ballot.</p> <p>(11) 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.</p> <p>(12) A candidate may, at the time of nomination, appoint in writing to the Branch Returning Officer a scrutineer.</p> <p>(13) A candidate may, at any time, by writing to the National Returning Officer, change a previously appointed scrutineer.</p> <p>(14) A scrutineer:</p> <ul style="list-style-type: none"> <li>(a) must represent the interests of the candidate making the appointment;</li> <li>(b) is entitled to represent the candidate at all stages of the ballot;</li> <li>(c) must attend at any stage of the ballot as requested by the candidate;</li> <li>(d) must report to the National Returning Officer any irregularity in the conduct of the ballot; and</li> <li>(e) is not allowed to represent 2 or more candidates who are standing for the same position.</li> </ul> <p>(15) The 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.</p> <p>(16) If the Branch Returning Officer finds a nomination is defective, the Branch 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.</p> <p>(17) If a candidate fails to remedy a defect in accordance with sub-rule (6), the Branch Returning Officer must reject the nomination.</p> <p>(18) Holders of the positions referred to in sub-rule (1) hold office until their successors have been elected at the first meeting of the Branch Committee of Management following each subsequent election of members of the Branch Committee of Management.</p>
Amend Rule 63 including adding new sub-rules and	<p><b>63. Manner of Filling Casual Vacancies in Branch Positions and Sub Branch Positions</b></p> <p>(1) A casual vacancy in the position of:</p>

renumber the rule accordingly

- (a) Branch President;
- (b) Branch Vice-President;
- (c) Branch Secretary;
- (a) Branch Assistant Secretary;
- (b) State Secretary**
- (c) State Assistant Secretary;**
- (f) Branch Trustees;
- (g) persons who are members of the Branch Committee of Management in accordance with **subrules 30(2) to 30(7);**
- (h) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;

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 of:

- i. **persons who are members of the Branch Committee of Management in accordance with subrules 30(2) to 30(7);**
- ii. **National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;**

must be conducted in accordance with rule 62, except that:

- (ba) a Team Nomination is not allowed;
- (baa) only Members residing in the geographical location in sub-rules 30(2) to 30(7) relevant to the vacant position on the Branch Committee of Management may participate in the election;**
- (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) If the expired part of the term of the position is less than either:**

	<p>(a) 12 months, or</p> <p>(b) one-quarter of the term of the position,</p> <p>then, an election for the casual vacancy of:</p> <ul style="list-style-type: none"> <li>i. Branch President;</li> <li>ii. Branch Vice-President;</li> <li>iii. Branch Secretary;</li> <li>iv. Branch Assistant Secretary;</li> <li>v. State Secretary</li> <li>vi. State Assistant Secretary.</li> </ul> <p>must be conducted in accordance with rule 60(A) except that:</p> <ul style="list-style-type: none"> <li>(c) a Team Nomination is not allowed;</li> <li>(c) the Branch Committee of Management must set alternative dates to those described in sub-rule 60A;</li> <li>(d) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and</li> <li>(e) the election must be completed within 4 months of the casual vacancy occurring.</li> </ul> <p>(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.</p> <p>(6) A person who fills a casual vacancy in accordance with sub-rules (2), (3) and (4) holds the position for the balance of the original 4-year term of the position.</p> <p>(6) Where a casual vacancy occurs in an elected sub-branch position, the vacancy must be filled in accordance with the provisions of sub-rules 63(2), (3), (4) &amp; (5) as if each reference in those sub-rules to “Branch” was “Sub Branch” and each reference to “Committee of Management” was “Executive Committee”.</p> <p>(7) Rule 24(1)(h) will become operational as from the first scheduled election after this rule is Certified by the <b>Fair Work Commission</b>.</p>
<p>Amend r.72(2)including adding a new subrule (c) renumber the rule accordingly</p>	<p>(2) (a) Each <b>State</b> Secretary must pay to the National Council from the respective State General Fund Sustentation Fees <b>each</b> year, <b>of</b> an amount equal to 17.64% of the income received as Annual Fees in each calendar month.</p> <p>(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.</p> <p>(c) <b>Each State Secretary must notify their Branch Secretary in writing that the State paid the Sustentation Fee referred to in paragraph (a) to the National Council and the amount of the fee within 7 days of the payment.</b></p> <p>(d) The payments of Sustentation Fees referred to in paragraph (a) must not be used by Branches for any other purpose</p>
<p>Add a new 81(g)</p>	<p>(g) <b>that part of a Branch roll of Membership kept by a State.</b></p>
<p>Amend Rule 85 including adding</p>	<p style="text-align: center;"><b>85. Rules - Operation and Amendment</b></p>

<p>new sub-rules and renumber the rule accordingly</p>	<p>(1) The Rules may only be amended in accordance with sub-rules (2), (4) or (5).</p> <p>(2) The Rules may be amended if:</p> <p>(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</p> <p>(b) National Council has resolved by a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution to amend the Rules in accordance with the proposed amendment referred to in paragraph (a), subject to sub-rule (3).</p> <p>(3) National Council may alter a proposed amendment to the Rules that has been submitted to Branches in accordance with paragraph (2)(a).</p> <p>(4) <b>Alternatively, the Rules may be amended if:</b></p> <p>(a) <b>National Council has resolved to amend the Rules;</b></p> <p>(b) <b>the resolution referred to in paragraph (a) has been submitted to each Branch after it has been passed;</b></p> <p>(c) <b>each of the Branch Committees of Management have agreed to the resolution within 60 days of it being passed; and</b></p> <p>(d) <b>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.</b></p> <p>(5) <b>Despite sub-rules (2) and (4), if it is necessary to amend the Rules so as to comply with the Fair Work Act, the Rules may be amended by a resolution of National Council or the National Committee of Management without any other requirement.</b></p>
<p>Add a new 92(aa3) and 92(aa4)</p>	<p>(aa3) <b>“State” means the designated geographical region of a Branch where Members of the Branch reside.</b></p> <p>(aa4) <b>“State Office” means the designated physical or virtual environment within a State where administrative, financial, and managerial activities are conducted to support the core operations of a state or territory of a State.</b></p>
<p>Amend subrules 96(4) to 96(8)</p>	<p><b>Election and appointment of workplace delegates</b></p> <p>(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.</p> <p>(4) The <b>State</b> Secretary (or their nominee) of the <b>State</b> in each Branch of the Union where the workplaces, enterprises or businesses are located (“<b>Relevant State</b>”) will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine the location of the workplace(s), enterprise(s) or business (es) that workplace delegates are to represent.</p> <p>(5) The <b>State</b> Secretary (or their nominee) of the <b>Relevant State</b> will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine the number of workplace delegates for a particular workplace (s), enterprise(s) or business(es).</p> <p>(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 <b>State</b> Organiser, Branch Officer or</p>

	<p>other person nominated by the <b>State</b> Secretary of the Relevant <b>State</b> (or their nominee).</p> <p>(7) The State Secretary of the Relevant State may, <b>consultation with the relevant Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine not to endorse the election of a workplace delegate. In the event the <b>State</b> 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.</p> <p>(8) Despite sub-rule (6), the <b>State</b> Secretary of the Relevant <b>State</b> 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).</p> <p>(9) A duly elected or appointed delegate will be recorded by the Relevant State in a form and manner deemed appropriate by the Relevant Branch.</p> <p>(10)</p>
Amend subrules 94(12) to 94(17)	<p>(12) The <b>State</b> Secretary (or their nominee) of the Relevant Branch will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine the location of the workplace(s), enterprise(s) or business (es) that workplace co-delegates are to represent.</p> <p>(13) The <b>State</b> Secretary of the Relevant Branch (or their nominee) where the workplaces, enterprises, or businesses are located will, <b>after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval</b> 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.</p> <p>(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 <b>State</b> Organiser, Branch Officer or other person nominated by the Branch (or their nominee).</p> <p>(15) The <b>State</b> Secretary of the <b>State</b> Branch may, after <b>consultation with the relevant Branch Secretary, and subject to the Branch Secretary’s approval</b>, determine not to endorse the election of a co-delegate. In the event the State 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.</p> <p>(16) Despite sub-rule 14, the <b>State</b> Secretary of the State Branch may, <b>after consultation with the relevant Branch Secretary, and subject to the Branch Secretary’s approval</b>, 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).</p> <p>(17) A duly elected or appointed co-delegate will be recorded by the Relevant State in a form and manner deemed appropriate by the Relevant State.</p>
Amend r.94(23)	<p>(23) A delegate or co-delegate must produce, at the request of the Branch Secretary of the Relevant Branch <b>or the State Secretary of the Relevant State</b> (or their nominee) a report about matters specified by the Branch Secretary <b>or the State Secretary</b> (or their nominees).</p>
Amend r.94(24)	<p>(24) <b>After consultation with the Branch Secretary, and subject to Branch Secretary’s approval, the State Secretary</b> 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:</p>

	<ul style="list-style-type: none"> <li>(a) has not appropriately discharged their functions;</li> <li>(b) has neglected their duties</li> <li>(c) has committed a breach of the Rules or an applicable policy of the Union;</li> <li>(d) has engaged in misbehaviour; or</li> <li>(e) has engaged in conduct that brings or has the capacity to bring the Union into disrepute.</li> </ul>										
Add a new r.95	<p style="text-align: center;"><b>95. Transitional Rule -Office Holders</b></p> <p>(1) In this rule, the words in column A have the meaning assigned in column B:</p> <table border="1" data-bbox="395 663 1471 1077"> <thead> <tr> <th style="text-align: center;">A</th> <th style="text-align: center;">B</th> </tr> </thead> <tbody> <tr> <td><b>Certification Day</b></td> <td>The day on which this transitional rule is certified by the Fair Work Commission</td> </tr> <tr> <td><b>Office</b></td> <td>Has the same meaning as defined by section 9 of the <i>Fair Work (Registered Organisations) Act</i>.</td> </tr> <tr> <td><b>Office Holder</b></td> <td>A person who holds an Office in the TWU (including such a person when performing duties as a designated officer under Part 3 of Chapter 8 of the <i>Fair Work (Registered Organisations) Act</i>.</td> </tr> <tr> <td><b>Incumbent Office Holder</b></td> <td>A person elected or appointed under these rules to an Office and holding that Office as at the Certification Day.</td> </tr> </tbody> </table> <p>(2) The purpose of this transitional rule is to provide continuity for incumbent Office Holders in the period between the Certification Day, and the date persons declared elected to an Office in the 2026 election take office.</p> <p>(3) This rule:</p> <ul style="list-style-type: none"> <li>(a) will commence to operate on, and from, the Certification Day;</li> <li>(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</li> <li>(c) shall cease to have an effect on and from 10 January 2027.</li> </ul> <p>(4) Incumbent Office Holders will continue to hold office until 10 January 2027, or until the persons declared elected in the 2026 election take office, whichever is later.</p>	A	B	<b>Certification Day</b>	The day on which this transitional rule is certified by the Fair Work Commission	<b>Office</b>	Has the same meaning as defined by section 9 of the <i>Fair Work (Registered Organisations) Act</i> .	<b>Office Holder</b>	A person who holds an Office in the TWU (including such a person when performing duties as a designated officer under Part 3 of Chapter 8 of the <i>Fair Work (Registered Organisations) Act</i> .	<b>Incumbent Office Holder</b>	A person elected or appointed under these rules to an Office and holding that Office as at the Certification Day.
A	B										
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<b>Incumbent Office Holder</b>	A person elected or appointed under these rules to an Office and holding that Office as at the Certification Day.										
Amend Rule Annexure F including adding new sub-rules and renumber the rule accordingly	<p style="text-align: center;"><b>ANNEXURE F - SPECIAL RULE - NEW SOUTH WALES and ACT MEMBERS</b></p> <p style="text-align: center;"><b>1. Application Form and Admission</b></p> <p style="text-align: center;"><b>2.</b></p> <p>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 Transport Workers' Union of New South Wales, an industrial union of employees registered under the Industrial Arbitration Act 1940, (hereinafter called "<b>the State Trade Union</b>") 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.</p> <p style="text-align: center;"><b>2. Intentionally blank</b></p>										

### 3. Contributions

- (1) The **TWU NSW** Secretary must pay from the **TWU NSW (State) of the Eastern Branch** to the National Council sustentation fees for 2026 and each subsequent year, an amount equal to 12.69% of income received as Annual Fees from all members of the Union enrolled in the **TWU NSW**.
- (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 **TWU NSW (State) of the Eastern Branch** of the Union from Members Union for the purposes of sub-rule 3(1) of this Annexure F.

### 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 and ACT Members of the Eastern Branch Committee of Management

The **NSW and ACT members of the Eastern Branch Committee of Management shall determine the number of Committee members being representative of the Sub-Branches ahead of each quadrennial election.**

### 8. Sub-Branches

- (1) The **TWU NSW (State) of the Eastern 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 **Eastern 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 **NSW and ACT members of the Eastern** Branch Committee of Management agree to form or resolve to disband an **NSW or ACT** 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-Branches 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 Committee **members** to be determined by **the NSW and ACT members of the Eastern Branch** Committee of Management. The maximum number of Committee **members** 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 NSW and ACT Members of the Eastern Branch Committee of Management**

See Rules 30 and 60.

### **10. Election of Eastern Branch Officers**

- (1) Subject to sub-rule (2), see Rule 60A
- (2) Subrule 60A(1)(g) is replace with:

**One or two TWU NSW State Assistant Secretaries (the number to be determined by the Eastern Branch Committee of Management by resolution immediately prior to the election).**

### **11. Election of Members of TWU NSW Sub-Branch Executive Committee**

Elections shall be held in 2026 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.

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

- (1) See Rule 57.
- (2) 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.

### **13. 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.

### **14. 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.

### **15. Meetings - Quorums**

- (1) At all Sub-Branch Executive Committee meetings, a majority of the members elected to the Sub-Branch Executive Committee shall form a quorum.
- (2) 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.

### **16. 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.

#### **17. Agenda Items**

A Sub-Branch on its own initiative may submit in writing items to be placed on the agenda paper of the **Eastern** Branch Committee of Management for consideration at meetings of the Branch Committee of Management.

#### **18. Definitions**

**In this Special Rule, TWU NSW has the same meaning as subrule 16(2) and 16(3) of the substantive Rules.**

#### **Housekeeping Amendments**

Replace the words “Workplace Relations Act” with “**Fair Work (Registered Organisations) Act**” where necessary.

Replace the words “Industrial Registrar” with “**Fair Work Commission**” where necessary.

## Annexure EM"4"

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**From:** Lorraine Biviano <[lorraine.biviano@twu.com.au](mailto:lorraine.biviano@twu.com.au)>  
**Date:** Thursday, 23 April 2026 at 4:57 pm  
**To:** Michael Kaine <[michael.kaine@twu.com.au](mailto:michael.kaine@twu.com.au)>, Emily McMillan <[emily.mcmillan@twu.com.au](mailto:emily.mcmillan@twu.com.au)>, Richard Olsen <[richard.olsen@twunsw.org.au](mailto:richard.olsen@twunsw.org.au)>, Nick Mcintosh NSW <[nick.mcintosh@twunsw.org.au](mailto:nick.mcintosh@twunsw.org.au)>, Marija Marsic <[marija.marsic@twunsw.org.au](mailto:marija.marsic@twunsw.org.au)>, [hmargaret669@gmail.com](mailto:hmargaret669@gmail.com) <[hmargaret669@gmail.com](mailto:hmargaret669@gmail.com)>, [mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au) <[mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au)>, Klaus Pinkas <[klaus.pinkas@act.twu.com.au](mailto:klaus.pinkas@act.twu.com.au)>, [barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com) <[barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com)>, Joshua Millroy <[joshua.millroy@twuqld.asn.au](mailto:joshua.millroy@twuqld.asn.au)>, [ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com) <[ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com)>, [guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com) <[guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com)>, Sam McIntosh <[sam.mcintosh@twusant.au](mailto:sam.mcintosh@twusant.au)>, [ernesto375@hotmail.com](mailto:ernesto375@hotmail.com) <[ernesto375@hotmail.com](mailto:ernesto375@hotmail.com)>, Sam Lynch <[slynch@twu.asn.au](mailto:slynch@twu.asn.au)>, [kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com) <[kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com)>, [james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com) <[james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com)>, Tim Dawson <[tim.dawson@twuwa.org.au](mailto:tim.dawson@twuwa.org.au)>, [raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com) <[raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com)>, [seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au) <[seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au)>, [ajneill1968@tpg.com.au](mailto:ajneill1968@tpg.com.au) <[ajneill1968@tpg.com.au](mailto:ajneill1968@tpg.com.au)>  
**Subject:** Re: Notice of Special National Council Meeting by Zoom - 24 April 2026, 12:30 pm AEST

Dear National Councillors

In advance of our scheduled special national council meeting tomorrow at 12:30 pm, please see the **attached** proposed Resolution and Particulars of the Amendments to the Rules to be considered in the meeting. The Particulars of the Amendments to the Rules are generally the same as those provided to you on 24 March 2026, together with further appropriate amendments, including housekeeping amendments.

Please contact me if you require any additional information.

Kind regards

**Lorraine Biviano**

Director – Legal & Industrial Strategy  
0419 302 121 | (02) 8114 6576



Transport Workers' Union of Australia  
Michael Kaine, National Secretary  
Level 9, 447 Kent Street  
Sydney NSW 2000

+61 2 8114 6500    [twu@twu.com.au](mailto:twu@twu.com.au)  
[www.twu.com.au](http://www.twu.com.au)    @TWUAus  
@TWUAus    @twuaus

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**From:** Michael Kaine <[michael.kaine@twu.com.au](mailto:michael.kaine@twu.com.au)>

**Date:** Tuesday, 24 March 2026 at 1:13 pm

**To:** Michael Kaine <[michael.kaine@twu.com.au](mailto:michael.kaine@twu.com.au)>, Emily McMillan <[emily.mcmillan@twu.com.au](mailto:emily.mcmillan@twu.com.au)>, Richard Olsen <[richard.olsen@twunsw.org.au](mailto:richard.olsen@twunsw.org.au)>, Nick McIntosh NSW <[nick.mcintosh@twunsw.org.au](mailto:nick.mcintosh@twunsw.org.au)>, Marija Marsic <[marija.marsic@twunsw.org.au](mailto:marija.marsic@twunsw.org.au)>, [hmargaret669@gmail.com](mailto:hmargaret669@gmail.com) <[hmargaret669@gmail.com](mailto:hmargaret669@gmail.com)>, [mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au) <[mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au)>, Klaus Pinkas <[klaus.pinkas@act.twu.com.au](mailto:klaus.pinkas@act.twu.com.au)>, [barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com) <[barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com)>, Joshua Millroy <[joshua.millroy@twuqld.asn.au](mailto:joshua.millroy@twuqld.asn.au)>, [ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com) <[ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com)>, [guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com) <[guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com)>, Sam McIntosh <[sam.mcintosh@twusant.au](mailto:sam.mcintosh@twusant.au)>, [ajneil1968@tpg.com.au](mailto:ajneil1968@tpg.com.au) <[ajneil1968@tpg.com.au](mailto:ajneil1968@tpg.com.au)>, [ernesto375@hotmail.com](mailto:ernesto375@hotmail.com) <[ernesto375@hotmail.com](mailto:ernesto375@hotmail.com)>, Sam Lynch <[slynch@twu.asn.au](mailto:slynch@twu.asn.au)>, [kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com) <[kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com)>, [james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com) <[james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com)>, Tim Dawson <[tim.dawson@twuwa.org.au](mailto:tim.dawson@twuwa.org.au)>, [raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com) <[raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com)>, [seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au) <[seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au)>

**Cc:** Lorraine Biviano <[lorraine.biviano@twu.com.au](mailto:lorraine.biviano@twu.com.au)>

**Subject:** Notice of Special National Council Meeting by Zoom - 24 April 2026, 12:30 pm AEST

Dear National Councillors,

Please see **attached** notice of special national council meeting scheduled to take place on Friday, 24 April at 12:30 pm AEST (12pm SA; 11 am NT; 9:30am WA) by Zoom.

A meeting invite with a Zoom link will be sent shortly.

Please contact Lorraine Biviano on 0419 302 121 or by email at [Lorraine.biviano@twu.com.au](mailto:Lorraine.biviano@twu.com.au) if you have any inquiries.

**Michael Kaine**



Transport Workers' Union of Australia  
Michael Kaine, National Secretary  
Level 9, 447 Kent Street  
Sydney NSW 2000

+61 2 8114 6500    [twu@twu.com.au](mailto:twu@twu.com.au)  
[www.twu.com.au](http://www.twu.com.au)    @TWUAus  
@TWUAus    @twuau

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**From:** Lorraine Biviano <[lorraine.biviano@twu.com.au](mailto:lorraine.biviano@twu.com.au)> **Date:**

Thursday, 23 April 2026 at 4:57 pm

**To:** Michael Kaine <[michael.kaine@twu.com.au](mailto:michael.kaine@twu.com.au)>, Emily McMillan <[emily.mcmillan@twu.com.au](mailto:emily.mcmillan@twu.com.au)>, Richard Olsen <[richard.olsen@twunsw.org.au](mailto:richard.olsen@twunsw.org.au)>, Nick McIntosh NSW <[nick.mcintosh@twunsw.org.au](mailto:nick.mcintosh@twunsw.org.au)>, Marija Marsic <[marija.marsic@twunsw.org.au](mailto:marija.marsic@twunsw.org.au)>, [hmargaret669@gmail.com](mailto:hmargaret669@gmail.com) <[hmargaret669@gmail.com](mailto:hmargaret669@gmail.com)>, [mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au) <[mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au)>, Klaus Pinkas <[klaus.pinkas@act.twu.com.au](mailto:klaus.pinkas@act.twu.com.au)>, [barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com) <[barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com)>, Joshua Millroy <[joshua.millroy@twuqld.asn.au](mailto:joshua.millroy@twuqld.asn.au)>, [ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com) <[ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com)>, [guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com) <[guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com)>, Sam McIntosh <[sam.mcintosh@twusant.au](mailto:sam.mcintosh@twusant.au)>, [ernesto375@hotmail.com](mailto:ernesto375@hotmail.com) <[ernesto375@hotmail.com](mailto:ernesto375@hotmail.com)>, Sam Lynch <[slynch@twu.asn.au](mailto:slynch@twu.asn.au)>, [kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com) <[kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com)>, [james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com) <[james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com)>, Tim Dawson <[tim.dawson@twuwa.org.au](mailto:tim.dawson@twuwa.org.au)>, [raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com) <[raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com)>, [seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au) <[seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au)>, [ajneill1968@tpg.com.au](mailto:ajneill1968@tpg.com.au) <[ajneill1968@tpg.com.au](mailto:ajneill1968@tpg.com.au)>

**Subject:** Re: Notice of Special National Council Meeting by Zoom - 24 April 2026, 12:30 pm AEST

Dear National Councillors

In advance of our scheduled special national council meeting tomorrow at 12:30 pm, please see the **attached** proposed Resolution and Particulars of the Amendments to the Rules to be considered in the meeting. The Particulars of the Amendments to the Rules are generally the same as those provided to you on 24 March 2026, together with further appropriate amendments, including housekeeping amendments.

Please contact me if you require any additional information. Kind regards

**Lorraine Biviano**

Director – Legal & Industrial Strategy 0419  
302 121 | (02) 8114 6576



Transport Workers' Union of Australia  
Michael Kaine, National Secretary  
Level 9, 447 Kent Street  
Sydney NSW 2000

+61 2 8114 6500    [twu@twu.com.au](mailto:twu@twu.com.au)  
[www.twu.com.au](http://www.twu.com.au)    @TWUaus  
@TWUaus    @twuaus

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**From:** Michael Kaine <[michael.kaine@twu.com.au](mailto:michael.kaine@twu.com.au)> **Date:**

Tuesday, 24 March 2026 at 1:13 pm

**To:** Michael Kaine <[michael.kaine@twu.com.au](mailto:michael.kaine@twu.com.au)>, Emily McMillan <[emily.mcmillan@twu.com.au](mailto:emily.mcmillan@twu.com.au)>, Richard Olsen <[richard.olsen@twunsw.org.au](mailto:richard.olsen@twunsw.org.au)>, Nick McIntosh NSW <[nick.mcintosh@twunsw.org.au](mailto:nick.mcintosh@twunsw.org.au)>, Marija Marsic <[marija.marsic@twunsw.org.au](mailto:marija.marsic@twunsw.org.au)>, [hmargaret669@gmail.com](mailto:hmargaret669@gmail.com) <[hmargaret669@gmail.com](mailto:hmargaret669@gmail.com)>, [mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au) <[mick.forbes@twunsw.org.au](mailto:mick.forbes@twunsw.org.au)>, Klaus Pinkas <[klaus.pinkas@act.twu.com.au](mailto:klaus.pinkas@act.twu.com.au)>, [barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com) <[barryfarrington8@gmail.com](mailto:barryfarrington8@gmail.com)>, Joshua Millroy <[joshua.millroy@twuqld.asn.au](mailto:joshua.millroy@twuqld.asn.au)>, [ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com) <[ja-k\\_lives\\_here@hotmail.com](mailto:ja-k_lives_here@hotmail.com)>, [guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com) <[guillaume.maze@gmail.com](mailto:guillaume.maze@gmail.com)>, Sam McIntosh <[sam.mcintosh@twusant.au](mailto:sam.mcintosh@twusant.au)>, [ajneil1968@tpg.com.au](mailto:ajneil1968@tpg.com.au) <[ajneil1968@tpg.com.au](mailto:ajneil1968@tpg.com.au)>, [ernesto375@hotmail.com](mailto:ernesto375@hotmail.com) <[ernesto375@hotmail.com](mailto:ernesto375@hotmail.com)>, Sam Lynch <[slynch@twu.asn.au](mailto:slynch@twu.asn.au)>, [kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com) <[kirstybirnie22@gmail.com](mailto:kirstybirnie22@gmail.com)>, [james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com) <[james.ian.scoty@gmail.com](mailto:james.ian.scoty@gmail.com)>, Tim Dawson <[tim.dawson@twuwa.org.au](mailto:tim.dawson@twuwa.org.au)>, [raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com) <[raymondmcmillan.twu@gmail.com](mailto:raymondmcmillan.twu@gmail.com)>, [seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au) <[seachange2020@outlook.com.au](mailto:seachange2020@outlook.com.au)>

**Cc:** Lorraine Biviano <[lorraine.biviano@twu.com.au](mailto:lorraine.biviano@twu.com.au)>

**Subject:** Notice of Special National Council Meeting by Zoom - 24 April 2026, 12:30 pm AEST

Dear National Councillors,

Please see **attached** notice of special national council meeting scheduled to take place on Friday, 24 April at 12:30 pm AEST (12pm SA; 11 am NT; 9:30am WA) by Zoom.

A meeting invite with a Zoom link will be sent shortly.

Please contact Lorraine Biviano on 0419 302 121 or by email at [Lorraine.biviano@twu.com.au](mailto:Lorraine.biviano@twu.com.au) if you have any inquiries.

**Michael Kaine**



Transport Workers' Union of Australia  
Michael Kaine, National Secretary  
Level 9, 447 Kent Street  
Sydney NSW 2000

+61 2 8114 6500    [twu@twu.com.au](mailto:twu@twu.com.au)  
[www.twu.com.au](http://www.twu.com.au)    @TWUAus  
@TWUAus    @twuauus

## Resolution – Alteration of the Rules

National Council considers that it is in the best interests of the members to recast the structure of the Union to consolidate the number of Branch reporting units and restructure internal Branch composition while retaining a strong presence at the State and Territory level.

National Council also considers that the procedures in the rules governing the application and resignation of Gig, Pilot, and Cabin Crew Members should be clarified and streamlined to better align with the national footprint of those worker cohorts.

Finally, the National Council notes that some minor housekeeping amendments are considered appropriate.

The National Council is of the view that the Particulars of the Amendments to the Rules give effect to these intents.

Accordingly National Council resolves to alter the Rules in accordance with Rule 85(2) in accordance with the Particulars of the Amendments to the Rules below:

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### PARTICULARS OF THE AMENDMENTS TO THE RULES

In these particulars:

- (a) Deletions to the Rules are indicated by a strikethrough
- (b) Additions to the Rules are indicated by bold and underlined

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### AMEND RULE 5 AS FOLLOWS

- Amend sub-rules 5(1) and 5(2)
- Add a new subrule 5(1A)

#### 5. Applications for Membership

(1) **Subject to sub-rule 1A, A an** applicant for membership of the Union shall forward or cause to be forwarded to the ~~Branch~~**State** Secretary ~~in of~~ the ~~particular State or territory~~**forming part of the Branch** 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.

**(1A) An applicant for membership as a Gig Member, Pilot Member or Cabin Crew Member shall forward or cause to be forwarded to the National Secretary:**

- (a) **an online application form via the Union's website; or**
- (b) **an application form approved for use by those applicants.**

- (2) Notwithstanding anything contained in sub-rules (1) **and (1A)**:
- (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.
- 

### **AMEND RULE 6 AS FOLLOWS**

- Amend subrule 6(1)
- Add a new sub-rule 6(2A)

#### **6. Admission**

- (1) A person becomes a member immediately upon making an application in accordance with sub-rules ~~rule-5(1)~~ **or 5(1)(A)**;
- (2) 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.

**(2A) The National Secretary may reject an application for admission to Membership made under rule 5(1A) if the applicant is of general bad character.**

- (3) In this rule "signing" means making an application in accordance with rule 5.
- 

### **AMEND RULE 8 AS FOLLOWS**

- Amend sub-rule 8(2), including adding new subrules (a) and (b)
- Add a new subrule 8(2A)
- Amend subrules 8(5)(c), and 6(a)
- Add a new subrule 8(6A)
- Amend subrule 8(9), including amending subrule (a) and adding new subrules (e) and (f)

#### **8. Annual Fees**

- (1) As from 1 January 2026, the Annual Fee is \$780.60 plus \$78.06 GST, totalling \$858.66.

(1A) The National Committee of Management may prescribe an Alternate Annual Fee for particular classes of Union members from time to time.

- (2) **Subject to sub-rule (2A),** ~~the Annual Fee must be paid by: Members to the Branch in which the Member is enrolled.~~
- (a) **Members to the State Office of the State of the Branch in which the Member resides;**
  - or**
  - (b) **Gig, Pilot and Cabin Crew Members to the National Office.**

**(2A) The National Committee of Management may prescribe that the Annual Fee is paid differently to sub-rule 2 for particular classes of Members from time to time.**

- (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~~ **TWU SA/NT constituent State of the Central and Western Branch** - by half the Annual Fee being paid by 28 February, and the other half by 31 August.
- (6) (a) **Subject to sub-rules (2A) and (6A), a Branch Committee of Management may resolve that the Annual Fee paid by Members to the Branch in accordance with sub-rule (2)(a) 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.
- (6A) (a) Subject to sub-rule (2A), the National Secretary may determine that the Annual Fee Paid by Gig Members, Pilot Members and Cabin Crew Members in accordance with sub-rule (2)(b) is to be paid by instalments, payroll deductions or any appropriate method on such terms and conditions as the National Secretary considers appropriate.**
- (b) The National Secretary's decision under this sub-rule will continue to apply for the Annual Fee in each succeeding year unless rescinded.**
- (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~~ **State Secretary of the State of the Branch in which the Member resides** 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~~ **sub-rule (a)**.
- (d) Unfinancial Members are not entitled to apply for a refund of the Annual Fee.
- (e) Gig Members, Pilot Members and Cabin Crew Members may apply for a refund of the Annual Fee for the current year to the National Secretary by providing full details in writing of the reasons for the refund.**
- (f) The National Secretary must determine the amount, if any, to be refunded to a Gig Member, Pilot Member or Cabin Crew Member who applies in accordance with subrule (e).**

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## AMEND RULE 10 AS FOLLOWS

- Add a new subrule 10(3) and renumber the remaining subrule.

### 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) **Subject to rule (3)** ~~A~~ an Unfinancial Member becomes a Financial Member immediately upon the relevant ~~Branch~~ **State Office of the State of the Branch in which the Member resides** receiving payment of all unpaid Dues into its bank account.
  - (3) **An Unfinancial Gig Member, Pilot Members or Cabin Crew Members become a Financial Member immediately upon the National Office receiving payment of all unpaid Dues into its bank account.**
  - (4) An Unfinancial Member has no benefits, privileges or rights whatsoever associated with Membership.
- 

#### AMEND RULE 11 AS FOLLOWS

- Amend subrule 11(1)
- Add new subrules 11(1A) and 11(1B)

#### 11. Resignation from Membership

- (1) **Subject to sub-rules (1A) and (1B), a** ~~A~~ Member may resign from Membership by notice in writing addressed and delivered to the ~~Branch~~ **State** Secretary of the **constituent State of the Branch in which the Member resides.** ~~is enrolled.~~
  - (1A) Gig Members, Pilot Members and Cabin Crew Members may resign from Membership by notice in writing addressed and delivered to the National Secretary.**
  - (1B) The National Committee of Management may determine alternate methods for Gig Members, Pilot Members and Cabin Crew Members to resign from Membership.**
- 

#### AMEND RULE 12 AS FOLLOWS

- Amend subrule 12(1) and (3)
- Add a new subrule 12(4)

#### 12. Transfers

- (1) If a Member changes residence, and wishes to transfer from one Branch to ~~another~~ **the other Branch (or to another State within the same Branch)**, 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 to the other Branch Secretary or the relevant State Secretary, whichever is applicable.**
- (4) In this rule, "in writing" means by letter, email, or signed documents in electronic or hardcopy form.**

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**AMEND RULE 15 AS FOLLOWS**

- Amend sub-rule 15(2)
- Add a new subrule 15(3) and renumber the subrules.
- Amend subrule 15(4), (5) and (6)
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**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~~
  - (a) a Register of Members for Members enrolled in the Branch; and**
  - (b) a roll of Membership** recording the Membership number, name, address and date of enrolment of each Member enrolled in that Branch.
- (3) Each State Secretary must keep at the State Office:**
  - (a) that part of the Branch's Register of Members for each Member who resides in that State of the Branch; and**
  - (b) That part of the Branch's roll of Membership recording the membership number, name, address and date of enrolment of each Member who resides in that State of the Branch.**
- (4) The registers and rolls referred to in sub-rules (1) and (2) **and (3)** must be available for inspection by the **General Manager of the Fair Work Commission** ~~industrial registrar of the principal registry established under the Workplace Relations Act or any person appointed by the~~ **General Manager** ~~registrar.~~
- (5) The **Register of Members and** roll of ~~the~~ Members referred to in sub-rules (2) **and (3)** must be made available to the National Secretary on request.
- (6) **The part of the Branch's Register of Members and roll of Membership referred to in sub-rule (3) must be made available to the Branch Secretary on request.**

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**AMEND RULE 16 AS FOLLOWS**

- Delete the text of rule 16 and add new sub-rules 16(1) to (5)

**16. Formation and Constitution of Branches** ~~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.~~

**(1) To assist National Council to control and manage the Union, a Branch may be constituted in one or more geographical States and Territories.**

**(2) There are currently two Branches of the Union:**

**(a) the “Transport Workers Union of Australia Eastern Branch”, (referred to in these rules as the “Eastern Branch”), consisting of all Members residing in New South Wales, Queensland, Victoria, Tasmania and the Australian Capital Territory; and**

**(b) the “Transport Workers’ Union of Australia - Central and Western Branch”, (referred to in these rules as the “Central and Western Branch”), consisting of all Members residing in, South Australia, the Northern Territory and Western Australia.**

**(3) Each Branch will contain Members residing in certain geographical regions, referred to in these Rules as “States.”**

**(4) The States of the Eastern Branch are:**

**(a) TWU NSW, consisting of all Members residing in New South Wales and the Australian Capital Territory;**

**(b) TWU QLD, consisting of all Members residing in Queensland; and**

**(c) TWU Vic/Tas, consisting of all Members residing in Victoria and Tasmania.**

**(5) The States of the Central and Western Branch are:**

**(a) TWU WA, consisting of all Members residing in Western Australia; and**

**(b) TWU SA/NT, consisting of all Members residing in South Australia and the Northern Territory.**

## **DELETE RULE 17 AND AMEND THE HEADING**

### **17. Intentionally Blank 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~~

~~— (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.~~

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## AMEND RULE 18 AS FOLLOWS

- Amend subrule 18

### 18. Membership in a Geographical State or Territory where a Branch is not Constituted

If for any reason a Branch is not constituted in a Sstate or Territory all matters relating to Membership in that geographical Sstate or tTerritory 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".

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## AMEND RULE 19 AS FOLLOWS

### 19. Mutual Support

National Council and all Branches (including each State forming part of a Branch) are jointly and severally pledged to, and must, loyally support each other, financially and otherwise, when required, subject to rule 20.

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## AMEND RULE 20 AS FOLLOWS

Amend sub-rules 20(1) and (2)

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

- (1) Any Branch or a State forming part of a 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 or a State forming part of a Branch that enters into an industrial dispute without having first obtained the permission of National Council.
- 

## AMEND RULE 21 AS FOLLOWS

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

Any Branch (or a State forming part of a 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 due Sustentation Fees and Levies due or owed by the Branch or State of a Branch are paid.

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## AMEND RULE 22 AS FOLLOWS

- Amend subrule 22(2)
- Amend subrule 22(4)(c) and (c)(i)
- Add new subrules 22(5) and (6) and renumber the sub-rule accordingly.

### 22. Disbanding a Branch

- (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 **16**, 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.

- (4) If National Council acts in accordance with sub-rule (3):
- (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 subrules 30(2)(a) or 30(2)(b) ~~paragraph 30(2)(f)~~ until the next ordinary election in the other Branch in the following way:
- (i) the number of additional members of the Branch Committee of Management under subrules 30(2)(a) or 30(2)(b) ~~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 the number in subrules 30(2)(a) or 30(2)(b) ~~11~~);
- (5) National Council may at any time resolve to reverse the disbanding of a Branch under sub-rule (1), re-attach Affected Members to the restored Branch and restore the disbanded Branch to the position it was before it was disbanded.**
- (6) If National Council acts in accordance with sub-rule (5) the other Branch is restored to the position it was before the restored Branch was disbanded.**
- (7) No action taken by National Council in accordance with sub-rule (1) affects the Membership rights of Affected Members.
- (8) 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).
- 

## AMEND RULE 22A AS FOLLOWS

Amend sub-rules 22A(2)(b), (c) and (d)

### 22A. Administration of a Branch

- (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 (including the States forming part of a 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 (including the States forming part of a 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 and State Secretary under Rules 35, 36, 37 37A, and sub-rule 40(2) are suspended until the Affected Branch is released from administration;
- (6) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, reconstitute a Branch under rule 22B, place a State under administration under rule 22(C),

~~and its powers under~~ sub-rule 25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally;

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## **ADD A NEW RULE 22B AS FOLLOWS**

### **22B Reconstituting a Branch**

- (1) National Council has the specific power to reconstitute a Branch;**
- (a) which fails to comply with any provision of the Rules regarding a State;**
  - (b) which fails to comply with any decision of National Council regarding a State;**
  - (c) the Branch Committee of Management, which acts contrary to law regarding a State;**
  - (d) the Branch Committee of Management, which fails to carry out its obligations regarding a State;**
  - (e) where a State forming part of a Branch;**
    - (a) fails to comply with any provision of the Rules;**
    - (b) fails to comply with any decision of National Council or the Branch Committee of Management;**
    - (c) acts contrary to law;**
    - (d) fails to carry out its obligations;**
    - (e) effectively ceases to function; or**
  - (f) where the Branch Committee of Management of a Branch resolves to request that the National Council reconstitute the Branch and exercise its power under this sub-rule to attach members residing in a State forming part of that Branch to another State of the Branch or to the other Branch.**
- (2) If National Council acts in accordance with sub-rule (1), it must, subject to sub-rules (3) and (4) attach the Affected Members;**
- (a) to another State of the Branch; or**
  - (b) to the other Branch**
- if it is considered, this will provide an appropriate means for the Affected Members to participate in the affairs of the Union and promote its efficient management.**
- (3) If National Council acts in accordance with sub-rule (2)(a):**
- (a) Members residing in the Affected State are removed from the Register of Members held by that State of the Branch and are attached to another State of the Branch (“Other State”);**
  - (b) the funds and property of the Branch in the Affected State must be transferred to the Other State;**
- (4) If National Council acts in accordance with sub-rule (2)(b):**
- (a) the Affected Members become Members of the other Branch for the purposes of the Rules;**

- (b) the funds and property of the Affected State 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)(a) or 30(2)(b) until the next ordinary election in the other Branch in the following way:**
- (i) A number of additional members of the Branch Committee of Management under paragraph 30(2)(a) or 30(2)(b) must be determined having regard to the relative number of Affected Members in that State 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 the relevant number in subrules 30(2)(a) or 30(2)(b);**
  - (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 rules 30 and 60.**
  - (iv) The additional members of the Branch Committee of Management hold office until the next ordinary election in the other Branch.**
- (d) 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 of the Affected State 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) National Council may at any time resolve to reverse a reconstitution of a Branch under sub-rule 1 and restore the Affected State to the position it was before the reconstitution.**
- (7) If National Council acts in accordance with sub-rule (6):**

- (a) Affected Members are re-attached to the Reconstituted State and become members of that Branch, (if they were transferred to another Branch under sub-rule 4(a));
  - (b) the funds and property of the Branch transferred under sub-rules 3(b) or 4(b) must be transferred back to the Reconstituted State;
  - (c) additional Branch Committee of Management appointed under sub-rule 4(c) cease to hold office.
  - (d) 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 subrules 30(2)(a) or 30(2)(b) until the next ordinary election in accordance with sub-rule 4(c)(i) to (iv);
  - (e) additional National Councillors appointed under sub-rule (4) cease to hold office; and
  - (f) National Council must temporarily increase the number of persons who are National Councillors of the Branch of the Reconstituted State in accordance with sub-rule 4(d) (i) to (iv).
- (8) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, place a Branch under administration under rule 22A, place a state under administration under rule 22C, exercise its powers under sub-rule s25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally.
- (9) In this rule:
- (i) “Affected Members” means the group of Members of an Affected State before it was reconstituted in accordance with sub-rule (1);
  - (ii) Affected State means the State of a Branch whose members are to be removed immediately before it was reconstituted in accordance with sub-rule (1);
  - (iii) “Reconstitute a Branch” means removing Members residing in a particular State forming part of a Branch and attaching them to another State of that Branch or to the other Branch.
  - (iv) Reconstituted State means an Affected State that is restored under sub-rule 6.

**ADD A NEW RULE 22C AS FOLLOWS**

**22C. Administration of a State**

- (1) National Council has the specific power to place a State forming part of a Branch under administration for a period of up to twelve months where the State:
- (a) fails to comply with any provision of the Rules;
  - (b) fails to comply with any decision of National Council or the Branch Committee of Management;

- (c) acts contrary to law; or
- (d) fails to carry out its obligations.

(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 placed under administration until the Affected State are suspended until the State is released from administration;
  - (b) Subject to subrule (c), the powers given to the Branch Committee of Management of the Affected State under rule 31 are suspended until the Affected State is released from administration
  - (a) Without limiting sub-rule (2)(a), National Council has all the powers afforded to the Affected Branch under Rule 31 regarding the Affected State until the Affected State is released from administration;
  - (b) Subject to rule (e), the powers given to the Affected Branch President, Vice President, Secretary, Assistant Secretary and State Secretary under Rules 35, 36, 37, 37A, and sub-rule 40(2) regarding the Affected State are suspended until the Affected State is released from administration;
  - (c) National Council has all the powers given to the Branch President, Vice President, Secretary, Assistant Secretary, State Secretary and State Assistant Secretary under Rules 35, 36, 37, 37A and 40(2) regarding the Affected State until the Affected State is released from administration;
  - (d) Subject to subrule (g), the powers given to the Trustees of the Affected State under rule 38 are suspended until the Affected State is released from administration;
  - (e) National Council has all the powers given to the Branch Trustees under Rule 38 regarding the Affected State until the Affected State is released from administration.
- (3) The National Council may exercise the powers afforded to it under sub-rules 22C(2)(a) to (g), in any manner it considers will be in the best interests of TWU members generally and in particular those Members of the Affected State.
- (4) No action taken by National Council in accordance with sub-rules (1) or (2) affects the Membership rights of Members of the Affected Branch.
- (5) Nothing in this rule affects National Council's powers to disband a Branch under rule 22, place a Branch under administration under rule 22A, reconstitute a Branch under rule 22B, sub-rule 25(2)(b) or exercise its powers under sub-rule 25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally.
- (6) In this rule:
- (i) "Affected Members" means the Members of an Affected State before it was placed under administration in accordance with sub-rule (1);
  - (ii) "Affected State" means the State of a Branch placed under administration in accordance with sub-rule (1).

## AMEND RULE 23 AS FOLLOWS

- Amend subrules 23(1) and 23(2).

### 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”)~~. **members of the Eastern Branch residing in the geographical area covered by TWU NSW.**
- (2) Nothing contained in Annexure F affects the application of any other Rule to the ~~New South Wales~~ **Eastern** Branch and to:
  - (a) the holders of offices within, and
  - (b) the Members of; **the Eastern Branch,**

~~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.

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## AMEND RULE 24 AS FOLLOWS

- Amend subrule 24(1), including adding a new sub-rule (d) and renumbering the subrules
- Amend sub-rule 24(2), (2)(a), (b) and (c)
- Amend subrules 24(3)(a) and (b)

### 24. National Council

- (1) National Council consists of:
  - (a) the National Secretary;
  - (b) the National Assistant Secretary;
  - (c) ~~the each Branch Secretary; of each Branch;~~
  - (d) **each State Secretary;**
  - (e) any additional National Councillors representing a Branch pursuant to sub-rule (2);
  - (f) the **TWU NSW** Canberra Sub Branch Secretary, ~~and the Gas Industry National Councillor elected in accordance with rule 90(f);~~
  - (g) any additional National Councillors representing a Branch pursuant to paragraph 22(4)(e) **and 22B(4)(c);**
  - (h) a National Councillor residing in the Northern Territory elected directly by members of the **Central and Western Branch who reside in the Northern Territory;** ~~Branch to which the Northern Territory is attached;~~
  - (i) a National Councillor residing in Tasmania elected directly by members of the **Eastern Branch who reside in Tasmania;** ~~Branch to which Tasmania is attached; and~~

- (j) a ~~woman female~~-National Councillor representing each ~~Branch~~ **constituent State of a Branch**.
  - (k) 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, **each State Secretary of the Branch** and any additional National Councillors representing a Branch pursuant to sub-rule 22(4)(e) **or 22B(4)(c)**, each Branch is entitled to **1 additional National Councillor for each State of the Branch and the following number of National Councillors** ~~representation on National Council~~-based on **each State's** ~~its~~ Effective Membership; ~~by the following number of National Councillors:~~
- (a) from 3,001 Effective Members up to and including 6,000 Effective Members **of a constituent State of the Branch** - 1 additional National Councillor **for that State of the Branch**;
  - (b) from 6,001 Effective Members up to and including 9,000 Effective Members **of a constituent State of the Branch** - 2 additional National Councillors **for that State of the Branch**; and
  - (c) 9,001 Effective Members or more **of a constituent State of the Branch** - 3 additional National Councillors **for that State of the Branch**.
- (3) (a) To help ensure that the National Council is properly appraised of issues confronting ~~females~~ **women 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~~ **woman** from each Branch and one ~~women~~ **woman** from ~~the~~ 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.

## AMEND RULE 25 AS FOLLOWS

- Amend sub-rules (25(b) and (ba)

### 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 **and reconstituting** Branches in accordance with rule 22 **and 22B**;
  - (ba) placing Branches **and States** under administration in accordance with rule 22A **and 22C**;

## AMEND RULE 28 AS FOLLOWS

- Amend sub-rules (d) and (e).

## 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,~~ **each Branch Secretary, if not already a member by virtue of being elected to the position of National 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.~~ **each State Secretary, if not already a member by virtue of being elected to the position of National President;**
- 

## AMEND RULE 29 AS FOLLOWS

- Amend sub-rule 29(2)(g)
- Add new subrules 29(h) and (ii)

### 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:
    - (g) resolving that, where appropriate, concise financial reports be provided to Members in accordance with ~~Schedule 1B of the Workplace Relations Act 1996~~ **the Fair Work (Registered Organisations) Act** -as amended from time to time.
    - (h) approve out-of-budget expenditure by the National Office.**
    - (i) setting 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.**
- 

## AMEND RULE 30 AS FOLLOWS

- Delete sub-rules 30(2)(a) to (e)
- Add new sub-rules 30(2)(a) and (b)
- Amend sub-rule 30(3)
- Delete the existing subrule 30 (4)
- Add new sub-rules 30(4) to (8)

### 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) not less than 7 and not more than 11 other members.~~
  - (a) for the Eastern Branch: not more than 33 members; and**
  - (b) for the Central and Western Branch: not more than 20 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).~~

**The Branch Committee of Management (BCOM) consists of Members elected by a ballot of the Members enrolled in the Branch who are eligible to vote in accordance with the Rules. The number of BCOM members from each constituent State of a Branch shall be determined by the BCOM based on proportionality and, representational fairness and equity ahead of each quadrennial election after the 2026 quadrennial election. The number of BCOM members for the 2026 quadrennial election is as follows:**

- ~~(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.~~

#### **Eastern Branch**

- (4) Subject to Annexure F, Members ordinarily residing in New South Wales and the ACT will elect 17 members of the Branch Committee of Management who ordinarily reside in NSW and the ACT to represent the interests of NSW and ACT Members in accordance with Rule 60 and the procedures in Annexure F.**

- (5) Members who ordinarily reside in Queensland will elect 7 members of the Branch Committee of Management who ordinarily reside in Queensland to represent the interests of Queensland Members in accordance with Rule 60;**

- (6) Members who ordinarily reside in Victoria and Tasmania will elect 9 members of the Branch Committee of Management who ordinarily reside in Victoria and Tasmania to represent the interests of Victoria and Tasmanian Members in accordance with Rule 60.**

#### **Central and Western Branch**

- (7) Members who ordinarily reside in Western Australia will elect 12 members of the Branch Committee of Management who ordinarily reside in Western Australia to represent the interests of Western Australian Members in accordance with Rule 60.**

- (8) Members who ordinarily reside in South Australia and the Northern Territory will elect, 8 members of the Branch Committee of Management who ordinarily reside in South Australia and the Northern Territory to represent the interests of South Australia and Northern Territory Members in accordance with rule 60.**

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## AMEND RULE 31 AS FOLLOWS

- Amend subrule 31(1)
- Delete the text of subrule 31(2)(f) and add new text
- Delete the text of subrule 31(2)(g) and add new text.
- Amend subrule.31(2)(q)

### 31. Branch Committee of Management Powers

- (1) The Branch Committee of Management has control of all business of the Union within the geographical ~~S~~ states ~~or T-erritor~~ territories 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);~~ **scrutinise the remuneration and other entitlements, including termination and severance payments, of employees of the Union employed across the Branch, including its constituent States;**
  - (g) ~~determining whether Organizers are to be elected or appointed;~~ **endorsing out-of-budget expenditure by the Branch and States.**
  - (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~~ the Fair Work (Registered Organisations) Act as amended from time to time.
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### AMEND RULE 32 AS FOLLOWS

- Delete the words “and Vice President” from the heading to Rule 32
- Delete subrule 32(2) and renumber the rule
- Amend the renumbered subrule 32(2)

#### 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.
- ~~(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.~~
- (2) 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 appoint ~~elect~~ a chairperson to preside whenever required.
- 

### AMEND RULE 33 AS FOLLOWS

- Amend r.33(2)(j)
- Amend subrule 33(2)(l)
- Amend subrule 33(3)(u)

#### 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:

- (j) keeping a debit and credit account between National Council and each Branch **and its constituent States**;
  - (l) **ensuring that prior to National Council each year**, ~~sending to~~ each Branch and National Councillor ~~in March of each year~~ **receives** the audited statement of income and expenditure together with the audited statement of assets and liabilities;
  - (u) paying any termination or severance payments in accordance with the relevant determination made by the National Committee of Management **or the National Trustees** relating to such payments; and
- 

#### **AMEND RULE 34 AS FOLLOWS**

- Delete the text of the current r34(c)
- Add new text to a new r.34(c)

#### **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;~~ **to scrutinise and approve out-of-budget expenditure by the National Office.**
    - (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.
- 

#### **AMEND RULE 36 AS FOLLOWS**

- Amend subrule 36(1)

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

- (1) Each Branch must have ~~a~~ **at least one** 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.

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## AMEND RULE 37 AS FOLLOWS

- Add new sub-rules 37(3)(c), (d), (e), (t), (u) and (v).
- Amend subrules 37(3)(l), (m), (n) and (o)
- renumber subrule 37(3) accordingly

### 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) providing strategic leadership and operational oversight for the Branch**
  - (d) overseeing and supervising the State Secretaries;**
  - (e) attending media, industry forums and public engagements**
  - (f) attending all meetings connected with the Branch as far as practicable;
  - (g) dealing with industrial matters in accordance with rule 69;
  - (h) answering and filing correspondence;
  - (i) issuing receipts for all money received by the Branch Secretary;
  - ~~(g) depositing all money received in the Branch's bank account at least weekly;~~
  - (j) 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;~~
  - (k) being custodian of the ~~moveable~~ property of the Branch;
  - (l) being in charge of overseeing the management of the Branch Office and any State Offices within the Branch;**
  - (m) being in charge of those employees who work in the Branch Office;
  - (n) ensuring that, at all times, an appropriate number of persons are employed to assist in carrying out ~~the work of~~ **work across the** Branch;
  - (o) employing suitably qualified persons at the Branch to assist in carrying out ~~the work of the~~ **across the** Branch;
  - (p) 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;~~

- (q) 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.
  - (r) paying any termination or severance payments in accordance with the relevant determination made by the Branch Committee of Management relating to such payments; and
  - (s) 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.
  - **(t) determining the number of Organisers required by the Branch at any time in accordance with subrule 39(1).**
  - **(u) keeping the Register of Members of each Member enrolled in the Branch, including the parts of the roll kept by States forming part of the Branch at State Offices.**
  - **(v) keeping the roll of Membership that records the membership number, name, address and date of enrolment of each Member enrolled in that Branch.**
- 

## ADD A NEW RULE 37A AS FOLLOWS

### 37A. State Secretary

- (1) The powers and functions of each State Secretary include:**
  - (a) acting as directed by the Branch Secretary;**
  - (b) performing all functions of the State Secretary described in the Rules;**
  - (c) managing the State Office, including but not limited to overseeing and supervising the day-to-day operations of the office;**
  - (d) managing State Office expenditure that is within the budget set by the Branch Committee of Management;**
  - (e) attending all meetings connected with that State as far as practicable;**
  - (f) dealing with industrial matters in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (g) answering and filing correspondence in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (h) issuing receipts for all money received by the State Secretary in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**

- (i) depositing all money received in the State Office bank account at least weekly in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (j) keeping all documents, books and accounts relating to the business of the Branch in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (k) issuing notices to Members who reside in that State who are in arrears with their Dues in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (l) ensuring the payment of Sustentation Fees to National Council in accordance with sub-rule 71(2)(a);
- (m) subject to the directions of the Branch Secretary, managing Branch employees who work in the State Office;
- (n) ensuring (in consultation with the Branch Secretary) that, at all times, an appropriate number of persons are employed to assist in carrying out the work of the Branch in that State;
- (o) subject to the directions of the Branch Secretary, employing suitably qualified persons to assist in carrying out the work of the Branch in that State;
- (p) subject to the directions of the Branch Secretary, remunerating persons employed in the State.
- (q) subject to the directions of the Branch Secretary, terminating the employment of any persons employed in that State who, in the opinion of the State Secretary:
  - i. do not satisfactorily perform their duties; or
  - ii. are found guilty of serious misconduct; or
  - iii. have abandoned their employment; or
  - iv. are employed in a role which is no longer required to be performed in carrying out the work of the Union.
- (r) subject to the directions of the Branch Secretary, paying any termination or severance payments in accordance with the relevant resolution made by the Branch Committee of Management relating to such payments; and
- (s) reporting any decision made by the State Secretary to employ a person or terminate a person's employment to the Branch Secretary.
- (t) managing the that part of the Register of Members kept by the Branch for Members residing in that State.
- (u) managing the roll of Membership that records the membership number, name, address and date of enrolment of each Member residing in that State.
- (v) keeping bank accounts and funds for that State of the Branch described in the Rules;

## AMEND RULE 38 AS FOLLOWS

- Amend subrule 38(1)
- Add a new subrule 38(2)(f)

### 38. Branch Trustees

- (1) Each Branch must have ~~at least 2 Branch Trustees.~~ **one Branch Trustee for each constituent State of the Branch.**
  - (2) The powers and functions of the Branch Trustees are:
    - (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; **and**
    - (f) to scrutinise expenditure and approve out-of-budget expenditure by the Branch or a State forming part of the Branch.**
- 

## AMEND RULE 39 AS FOLLOWS

Amend r.39(2)(b)

### 39. Branch Organizers

- (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 **or the State Secretary.**

## AMEND RULE 40 AS FOLLOWS

- amend subrule 40(1)
- delete the existing subrules 40(2)(b) and 40(2)(c)
- add a new subrule 40(2)(b)
- 

### 40. Branch Officers

- (1) Each Branch **must** ~~may~~ have 1 or more of the Branch Officers referred to in sub-rules (2)(**a**) **and** (**b**) 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~~

**(b) State Assistant Secretary:**

- (i) to assist the State Secretary;**
- (ii) when the State Secretary is absent, to perform the duties of the State Secretary; and**
- (iii) at all times, to act subject to the control and direction, in order of precedence, of:**
  - (A) the Branch Secretary; and**
  - (B) the State Secretary.**

~~(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.~~

## **AMEND RULE 46 AS FOLLOWS**

- Amend subrule 46(2)(a)

### **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) **80% a majority** of National Councillors, or
  - (b) 2 or more Branch Committees of Management,

## AMEND RULE 49 AS FOLLOWS:

- Amend subrule 49(a)

### 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 **may** be held every year at a time and place to be determined by the Branch Committee of Management;

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## AMEND RULE 50 AS FOLLOWS

- Amend subrule 50(1)(b)
- Amend subrule 50(3) and add new subrules (a) and (b)

### 50. Quorum

- (1) (a) At meetings of National Council, **a** 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 **constituent State 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, **3** 4-members of the National Committee of Management form a quorum.
  - (3) At meetings of a Branch Committee of Management, **the following number of** 8 members of the **relevant** Branch Committee of Management form a quorum:-
    - (a) **12 members of the Central and Western Branch Committee of Management, subject to at least 50% of the members representing each State being present; and**
    - (b) **20 members of the Eastern Branch Committee of Management, subject to at least 50% of the members representing each State being present.**

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## AMEND RULE 53 AS FOLLOWS

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- Amend subrule 53(1)(c)
- Add new sub-rule 53(1)(d) and renumber the subrule accordingly
- Delete the existing subrule 53(3) and renumber the subrule
- Amend subrule 53(4) of the renumbered subrule
- Add a new subrule 53(5) to the renumbered subrule

- (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 Secretary is entitled to ~~at least~~ 1 vote;
  - (d) Each constituent State of a Branch is entitled to 1 vote:**
  - ~~(e) \_\_\_~~ If the number of Effective Members of a constituent State of a Branch exceeds 1,000, the ~~State Branch~~ is entitled to 1 additional vote for each additional 1,000 Effective Members or part thereof.;
  - (f) \_\_\_ Subject to paragraph (g), the total number of votes to which a constituent State of a Branch is entitled must be allocated equally amongst the National Councillors representing ~~that the Branch-State~~ (including the Branch-relevant State Secretary) who are present at the meeting or who have indicated to the National President that they intend voting in the ballot;
  - (g) If the votes cannot be allocated equally in accordance with paragraph (f), the remaining vote or votes must be distributed first to the ~~Branch-~~ relevant State Secretary and then in the order the National Councillors were elected;
  - (h) A National Councillor elected pursuant to Rule 24(1)(g), Rule 24(1)(h) or Rule 24(1)(i) is entitled to one vote; and
  - (i) The TWU NSW Canberra Sub-Branch Secretary ~~and the Gas Industry National Councillor elected in accordance with Rule 90(f) and provided for in Rule 24(1)(fe)~~ shall be entitled to one vote.
  - (j) 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) **Each Branch Secretary is entitled to 1 vote; and** ~~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) **The National President is entitled to 1 vote (unless they are a Branch Secretary, in which case their entitlement to votes is determined by sub-paragraph (ii)).** ~~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~~

~~\_\_\_\_\_ (c) the result of the vote;~~

~~\_\_\_\_\_ must be recorded in the minutes.~~

(3) 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.

(4) ~~Subject to sub-rule (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.

**(5) All decisions and ballots of the Central and Western Branch Committee of Management require a minimum of 75% of the votes to pass.**

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## AMEND RULE 54 AS FOLLOWS

- Amend the title
- Amend subrule 54(2)
- Add new sub-rules 54(7) and 54(8)
- Renumber the rule accordingly

### 54. Decisions by Postal or Electronic 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 **or electronic** 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), **(7)** 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 person responsible for the conduct of the ballot, where it is practicable to do so, may utilise an electronic balloting system as an alternative to the paper balloting system.**
- (8) An electronic balloting system to be utilised under sub-rule (7) must provide:**
- (a) for the security of a ballot to the same extent that these rules provide; and**
- (b) that each committee member entitled to vote in the ballot is given the opportunity to vote.**
- (9)** 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).
- (10)** 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.

## **AMEND RULE 57 AS FOLLOWS**

- Add new sub-rules 57(1)(b)(ii)(D), 57(1)(b)(ii)(F) and renumber subrule 57(1)(b) accordingly
- Amend new subrule 57(1)(b)(ii)(G) of the renumbered subrule
- Delete the text of subrule 57(2)(b) and delete subrule (2)(g).
- Delete subrule 2(b) and renumber the subrule
- Amend subrule 57(2)(e) of the renumbered subrule
- Amend subrules 57(2A), 2(B) and 2(C).
- Delete the reference to the electing inaugural Pilot Councillor in subrule 57(3).
- Amend subrule 57(4)
- Add new subrules 57(4B) and (4C)
- Amend subrule 57(5)

### **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 State Secretary,**
- (E) a Branch Assistant Secretary,
- (F) **a State Assistant Secretary, or a Branch Industrial Research Officer**
- (G) an **employed** Organizer, (whether elected or appointed).

(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,~~
- (b) the National Secretary,
- (c) a Branch President,
- (d) a Branch Secretary, or
- (e) **a State Secretary, a Branch Industrial Research Officer,**
- ~~(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 **National Assistant Secretary,** Branch Assistant Secretary or **State 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 continuous 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 **an** 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) **Subject to sub-rules (4A), 4B), and 4(C),** ~~A~~ 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.

**(4B) A person may nominate for both the position of Branch Secretary and State Secretary within the same Branch, even if each such position carries with it a full-time salary. However, if the person is elected to both positions, they shall be paid only the salary associated with one position.**

**(4C) A person may nominate for both the position of Branch Assistant Secretary and State Secretary or State Assistant Secretary within the same Branch, even if each such position carries with it a full-time salary. However, if the person is elected to both positions, they shall be paid only the salary associated with one position.**

(5) **Unless otherwise provided in the Rules, 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.

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## AMEND RULE 58 AS FOLLOWS

- Deleted the reference to National Vice President
- Amend subrule (1)(b)
- Delete subrule (1)(c)

•

### **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, **and**

(b) **3 National Trustees.** ~~the National Vice-President, and~~

~~(c) 3 National Trustees.~~

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## AMEND RULE 59 AS FOLLOWS

- Amend subrule subrules 59(1), (2a),(3), (4), (16) and (18).

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

- (1) National Council must appoint a National Returning Officer in accordance with rule 66:
  - (a) by 1 September, ~~2010~~ **2026**; 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~~ **2026**; and
  - (b) the third Tuesday of August every four years thereafter.
- (3) Nominations open at noon on:
  - (a) the second ~~Tuesday~~ **Monday** of September ~~2010~~ **2026**; and
  - (b) the second ~~Tuesday~~ **Monday** of September every four years ~~thereof~~ **thereafter**.
- (4) Nominations close at noon on:
  - (a) ~~the first Tuesday of October 2010~~ **eighteen [18] days after nominations open**; and
  - (b) ~~the first Tuesday of October~~ **eighteen [18] days after nominations open** every four years thereafter.

**provided if that day is a public holiday in the place where nominations have been called nominations will close the following day.**

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.

- (16) The poll must open at noon on:
  - (a) the second Monday of November ~~2010~~ **2026**; and
  - (b) the Second Monday of November every four years thereafter.
- (18) The poll must close at noon:
  - (a) eighteen [18] days after it opens in ~~2010~~ **2026**; and
  - (b) eighteen [18] days after it opens every four years thereafter.

## **AMEND RULE 59A AS FOLLOWS**

- Amend subrule 59A(4)(a)

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

- (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~~ **2027**; and

- (b) 10 January every four years thereafter.
- 

**AMEND RULE 59B AS FOLLOWS**

Amend subrule 53B(1)(b)(i)

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

(1)

- (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 ~~2027~~ 2023; and
- (b) 10 January every four years thereafter.
- 

**AMEND RULE 60 AS FOLLOWS**

- Amend r.60(1)(a)
- Delete subrules 60(2)(a) to (i).
- Renumber the existing subrule 60(2)(f) as 60(2)(a) and amend the subrule
- Renumber the existing 60(2)(f) as 60(2)(b)
- Add a new subrule 60(2A)
- Amend subrules 60(3)(a) and (b)
- Amend subrules (6)(4)(a) and (b)
- Amend subrule 60(5A) and (5A)(a)
- Amend subrule 60(5E)
- Amend subrule.60(5H)(a)
- Amend subrule.60(6)(b)
- Amend subrule.60(16)(a)
- Amend subrule.60(24)(a)

**60. Branch Elections**

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer in accordance with rule 67 by:
- (a) 1 September, ~~2026~~ 2010; and
- (b) 1 September every four years thereafter.
- (2) The Branch Returning Officer must **cause an election notice to be published calling** ~~call~~ for nominations for elections to the positions of:
- (a)** persons who are members of the Branch Committee of Management in accordance with ~~paragraph~~ **sub-rules 30(2)(f); to 30(8);**
- (b)** National Councillor or Councillors (if any) to which a Branch is entitled in accordance with Rule 24(1);
- ~~(a) Branch President;~~

- ~~— (b) Branch Vice President;~~
  - ~~— (c) Branch Secretary;~~
  - ~~— (d) Branch Assistant Secretary (where required);~~
  - ~~— (e) 2 Branch Trustees;~~
  - ~~— (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.~~

**(2A) the election notice must be published as follows:**

- (a) the Branch Returning Officer shall facilitate the publication of an election notice on the AEC website; and**
- (b) the Union shall publish the election notice produced by the Branch Returning Officer on the Union's website;**

(3a) The roll of voters is to close at 5pm on:

- (a) the third Tuesday of August ~~2010~~ **2026**; and
- (b) the third Tuesday of August every four years thereafter.

(3b) Nominations must open at noon on:

- (a) the second ~~Tuesday~~ **Monday** of September ~~2010~~ **2026**; and
- (b) the second ~~Tuesday~~ **Monday** of September every four years thereafter.

(4) Nominations must close at noon on:

- (a) ~~the first Tuesday of October 2010;~~ **eighteen [18] days after nominations open,** and
- (b) ~~the first Tuesday of October~~ **eighteen [18] days after nominations open** every four years thereafter.

**provided if that day is a public holiday in the place where nominations have been called nominations will close the following day.**

(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 **and a named Team Leader**;

- (a) approach the ~~candidate for Branch Secretary~~ **Team Leader** 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 **in the Branch (including positions in its constituent States)** for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
- (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~~ **Team Leader** (or **another member of Team Nomination if the Team Leader**) ~~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.
- (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:
- (b) in the case of a Team Nomination, notify the ~~candidate for Branch Secretary~~ **Team Leader** 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.
- (16) The poll must open at noon on:
- (a) the second Monday of November **2026** ~~2010~~; and
  - (b) the second Monday of November every four years thereafter.
- (18) The poll must close at noon:
- (a) eighteen [18] days after it opens in **2026** ~~2010~~; and
  - (b) eighteen [18] days after it opens every four years thereafter.
- (24) Persons declared elected to the positions referred to in sub-rule (2) take office on:
- (a) 10 January, **2027** ~~2011~~; and
  - (b) 10 January every four years thereafter,
- and the retiring persons continue to hold office in the meantime.

**60A. Election of the Officers of the Branch Committee of Management**

- (1) Subject to Annexure F, within twenty-eight days of 10 January 2027 and 10 January of every fourth year after that, each Branch Committee of Management (“BCOM”) will meet and elect by and from the members thereof the following Officers:**
  - (a) the Branch Secretary**
  - (b) the Branch President;**
  - (c) one or two Branch Vice- Presidents (the number to be determined by the Branch Committee of Management by resolution immediately prior to the election);**
  - (d) the Branch Assistant Secretary**
  - (e) a State Secretary for each State from Members representing that State within the Branch;**
  - (f) State Assistant Secretaries for, one for each State from Members representing that State; and**
  - (g) One Branch Trustee for each State within the Branch).**
- (2) The Branch Returning Officer shall call for nominations at the first session of the meeting immediately after the number of Branch Vice Presidents to be elected has been determined.**
- (3) Subject to subrule (4), any member of the BCOM may nominate any other BCOM 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.**
- (4) A candidate for State Secretary or State Assistant Secretary must be nominated by members of the BCOM as follows:**
  - (a) only members of the BCOM who represent the interests of NSW and ACT Members can nominate a candidate for TWU NSW State Secretary or State Assistant Secretary.**
  - (b) only members of the BCOM who represent the interests of Queensland Members can nominate a candidate for TWU QLD State Secretary or State Assistant Secretary.**
  - (c) only members of the BCOM who represent the interests of the Victorian and Tasmanian Members can nominate a candidate for TWU Vic/Tas State Secretary or State Assistant Secretary.**
  - (d) only members of the BCOM who represent the interests of South Australian and Northern Territory Members can nominate a candidate for TWU SA/NT State Secretary or State Assistant Secretary.**
  - (e) only members of the BCOM who represent the interests of Western Australian Members can nominate a candidate for the TWU WA State Secretary or State Assistant Secretary.**
- (5) In the event of an election being necessary, the Returning Officer shall conduct such an election by secret ballot.**
- (6) If all members of the BCOM are present, the Returning Officer will give each member of the BCOM a ballot paper on which to record a vote, and the ballot paper must be returned to the Branch Returning Officer.**

- (7) After members have voted, the Returning Officer will, together with such scrutineers as candidates may have appointed, count the votes and declare elected the members who receive the greatest number of votes.
- (8) All candidates elected take office at the conclusion of the BCOM meeting at which the election was held.
- (9) If not all members of the BCOM are present, the Returning Officer will send each member of the BCOM a ballot paper by priority-paid mail, along with a stamped envelope addressed to the Returning Officer. Such ballot paper and stamped addressed envelope shall be posted not later than the next day on which the Branch Office is opened for business after receiving the nominations.
- (10) 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. Only ballot papers returned to the Branch Returning Officer before the close of the poll may be included in the ballot.
- (11) 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.
- (12) A candidate may, at the time of nomination, appoint in writing to the Branch Returning Officer a scrutineer.
- (13) A candidate may, at any time, by writing to the National Returning Officer, change a previously appointed scrutineer.
- (14) 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.
- (15) The 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.
- (16) If a candidate fails to remedy a defect in accordance with sub-rule (3), the Branch Returning Officer must reject the nomination.
- (17) Holders of the positions referred to in sub-rule (1) hold office until their successors have been elected at the first meeting of the Branch Committee of Management following each subsequent election of members of the Branch Committee of Management.
- 

#### AMEND RULE 61 AS FOLLOWS

- Amend the Title

- Delete subrule 61(b) and renumber the subrule.

**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 or;
- ~~(b) the National Vice-President, or~~
- (b)** 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.

**AMEND RULE 63 AS FOLLOWS**

- Delete subrules 63(1)(h) and (i)
- Add a new subrules 63(1)(e) and (f) and renumber the subrule.
- Amend subrule 63(1)(h) of the renumbered subrule
- Add new subrules (63(3)(i) and (ii) and (3)(baa).
- Add a new subrule 63(4) and renumber the remaining subrules.
- Amend subrule 63(4)

**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) State Secretary;**
- (f) State Assistant Secretary**
- (g) 2** Branch Trustees;

**(h)** persons who are members of the Branch Committee of Management in accordance with paragraph **subrules 30(2) to 30(8)(f)**;

**(i)** 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 of:

**(i) persons who are members of the Branch Committee of Management in accordance with subrules 30(2) to 30(8);**

**(ii) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;**

must be conducted in accordance with rule ~~60~~ 62, except that:

(ba) a Team Nomination is not allowed;

**(baa) only Members residing in the geographical location in sub-rules 30(2) to 30(8) relevant to the vacant position on the Branch Committee of Management may participate in the election;**

(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) **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 of:**

**i. Branch President;**

**ii. Branch Vice-President;**

**iii. Branch Secretary;**

**iv. Branch Assistant Secretary;**

**v. State Secretary;**

vi. State Assistant Secretary; and

vii. Branch Trustee.

must be conducted in accordance with rule 60(A) except that:

(c) the Branch Committee of Management must set alternative dates to those described in sub-rule 60A;

(d) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and

(e) the election must be completed within 4 months of the casual vacancy occurring.

- (5) 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.
- (6) 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.
- (7) 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.~~
- (8) Rule 24(1)(h) will become operational as from the first scheduled election after this rule is Certified by the Fair Work Commission. ~~Industrial Registrar.~~
- 

## AMEND RULE 66 AS FOLLOWS

- Amend subrule 66(1)
- Amend subrule 66(3)

### 66. National Returning Officer

- (1) National Council must appoint a National Returning Officer by:
- (a) 1 September, ~~2010~~ 2026; 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, subject to s.182(1) of the Fair Work (Registered Organisations) Act.
- 

## AMEND RULE 67 AS FOLLOWS

- Amend subrule 67(1)
- Amend subrule 67(3)

## 67 Branch Returning Officer

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer by:
  - (a) 1 September, **2026** ~~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 **subject to s.182(1) of the Fair Work (Registered Organisations) Act**.

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### AMEND RULE 71 AS FOLLOWS

- Amend subrules 71(1) and 71(c)(ii)

#### 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:
  - (b) Instruments, including certified agreements or enterprise flexibility agreements referred to in the **Fair Work Act**, ~~Workplace Relations Act~~ relating to proceedings in the **Fair Work Commission** ~~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.

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### AMEND RULE 72 AS FOLLOWS

- Amend subrule 72(2)(a) and (b)
- Add a new subrule 72(c) renumber the rule accordingly
- Amend subrule 72(3)

#### 72 Funds

- (1) The Union may raise funds through the collection by Branches of Members' Dues, and by other means.
- (2) (a) Each ~~State Branch~~ Secretary must, **on behalf of the Branch to which the State belongs**, pay to the National Council ~~from the respective Branch General Fund Sustainment Fees~~

~~each for 2013 and each subsequent year,~~ an amount equal to 17.64% of the income received as Annual Fees **from Members residing in that constituent State of the Branch** 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 **the constituent State of the Branch.** ~~Branches.~~
- (c) **Each State Secretary must notify their Branch Secretary in writing that the State paid the Sustentation Fee referred to in paragraph (a) to the National Council and the amount of the fee within 7 days of the payment**
- (d) 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 **or State Secretary not** to make payments of Sustentation Fees due to National Council in accordance with this rule.
- 

#### AMEND RULE 80 AS FOLLOWS

- Amend subrule 80(1) and subrule 80(3)

##### 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 **Fair Work (Registered Organisations) Act.** ~~Workplace Relations Act.~~
- (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 **Fair Work (Registered Organisations) Act.** ~~Workplace Relations Act.~~
- .
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#### AMEND RULE 81 AS FOLLOWS

- Amend subrules 81(1)(g) and (h).
- Add a new subrule 81(1)(i)
- Amend subrule 81(2)(b)

##### 81. Inspection of Financial Accounts

- (1) Subject to sub-rules (2) and (4), a Financial Member has the right to inspect:
- (g) a ~~roll of the Membership~~ **Register of Members** kept by National Council, ~~or~~
- (h) a ~~roll of the Membership~~ **Register of Members** kept by a Branch, **or**
- (i) the part of a Branch's Register of Members kept by a composite State of the Branch.**
- at any reasonable time.

- (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), (h) or **(i)** - from the relevant Branch President.
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## AMEND RULE 85 AS FOLLOWS

- Amend subrule 85(2)(b)
- Delete the text of subrule 85(4)(a) and replace it with new text.
- Amend rule 85(4)(c)
- Amend subrule 85(5)

### 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), **by a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution.**
- (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 in accordance with a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution;** ~~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~~ **each** 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 **Fair Work (Registered Organisations) Act** ~~Workplace Relations Act~~, the Rules may be amended by a resolution of National Council or the National Committee of Management without any other requirement.
-

## DELETE RULE 90 AND AMEND AS FOLLOWS

- Delete the text of Rule 90 and amend the heading.

### 90. Intentionally Blank 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(e)(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(e)(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 transferee 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.~~

~~(e) ——— 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.~~

~~———— (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.~~

~~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.~~

~~— (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.~~

~~— (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.~~

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## AMEND RULE 92AS FOLLOWS

- Amend subrules 92(bb), 92(cc), 92(dd)
- Amend subrules 92(nn) and (oo)
- Add a new subrule 92(aa3) ~~and~~ and 92(aa4) and 92(aa5)

### 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:
- (bb) "~~o~~**Office**" has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009
- (cc) "~~o~~**Officer**" has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009
- (dd) "Registered" means registered with the **Fair Work Commission** ~~Australian Industrial Relations Commission~~ in accordance with the ~~Workplace Relations Act~~ **Fair Work (Registered Organisations) Act 2009, as amended from time to time;**
- (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.
- (nn) "Union" means Transport Workers' Union of Australia, an organization Registered in accordance with the ~~—~~ **Fair Work (Registered Organisations) Act 2009,** ~~Workplace Relations Act;~~ and
- (oo) "**Fair Work (Registered Organisations) Act**" ~~—~~ ~~Workplace Relations Act~~ " ~~Workplace Relations Act 1996—~~ **Fair Work (Registered Organisations) Act 2009 (Cwth)** or any legislation which replaces it.

**(aa3) “State” means the designated geographical region of a Branch where Members of the Branch reside.**

**(aa4) “State Office” means the designated physical or virtual environment within a State where administrative, financial, and managerial activities are conducted to support the core operations of a state or territory of a State.**

**(aa5) “Register of Members” means the register of members required to be kept under s.230(1)(a) of the Fair Work Registered Organisations Act.**

**AMEND RULE 95 AS FOLLOWS**

- Delete the text of Rule 95<sub>2</sub> add new text<sub>2</sub> and amend the title

**95. Transitional Rule - Continuity**

**(1) In this rule, the words in column A have the meaning assigned in column B:**

<u>A</u>	<u>B</u>
<b><u>Certification Day</u></b>	<b><u>The day on which this transitional rule is certified by the Fair Work Commission.</u></b>
<b><u>Transition Day</u></b>	<b><u>10 January 2027, or the date the persons declared elected to an Office in the 2026 quadrennial election take that Office, whichever is later.</u></b>
<b><u>Existing Branches</u></b>	<b><u>The NSW/Qld/ Vic Tas (Interim Governance) Branch, South Australian/Northern Territory Branch and Western Australian Branch as they were on the day before the Certification Day.</u></b>
<b><u>Office</u></b>	<b><u>Has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act.</u></b>
<b><u>Office Holder</u></b>	<b><u>A person who holds an Office, including persons performing duties as a designated officer under Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act.</u></b>
<b><u>Incumbent Office Holder</u></b>	<b><u>A person elected or appointed under these Rules to an Office and holding that Office on the day before the Certification Day including but not limited to</u></b> <ul style="list-style-type: none"> <li><b><u>• National Council;</u></b></li> <li><b><u>• National Committee of Management;</u></b></li> <li><b><u>• Finance Committee oof National Council;</u></b></li> <li><b><u>• National Trustees;</u></b></li> <li><b><u>• National President and Vice President;</u></b></li> <li><b><u>• National Secretary and National Assistant Secretary;</u></b></li> <li><b><u>• Existing Branch Presidents and Vice Presidents;</u></b></li> <li><b><u>• Existing Branch Committees of Management;</u></b></li> <li><b><u>• Existing Branch Trustees;</u></b></li> <li><b><u>• Existing Branch Secretaries and Branch Assistant Secretaries; and</u></b></li> <li><b><u>• Persons holding office in NSW and the ACT under Annexure F.</u></b></li> </ul>

<u>2026 Election</u>	<u>The 2026 quadrennial elections held under rules 58, 59, 59A, 60 and 60A.</u>
<u>Former Rules</u>	<u>The Rules of the Transport Workers Union of Australia as at the day before the Certification Day.</u>

(2) The purpose of this transitional rule is to ensure continuity of the administration of the Union during the period between the Certification Day and the Transition Day.

(3) This rule:

(a) will commence to operate on, and from, the Certification Day;

(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) shall cease to have an effect on the Transition Day.

(4) The Existing Branches will continue to exist and operate until the Transition Day so far as it is necessary for the proper and efficient administration of the Union in the period from the Certification Day to the Transition Day.

(5) Incumbent Office Holders will, until the Transition Day, continue to:

(a) hold their Office;

(b) exercise the powers given to them under the Former Rules, including, but not limited to, the powers given to the Existing Branch Branch Presidents, Vice Presidents, Branch Trustees, Branch Secretaries, and Branch Assistant Secretaries under Rules 35, 36, 37, 38 and 40(2).

(6) In the period between the Certification Day and the Transition Day:

(a) Applications for membership under rule 5(1)(a) are made to the Existing Branch Secretary.

(b) Annual Fees or Alternate Annual Fees due under sub-rule 8(2)(a) are paid to the relevant Existing Branch;

(c) Subrule 8(5)(c) of the Former Rules will apply to payment of the Annual Fee for the purpose of Rule 8;

(d) Subrule 8(9)(a) of the Former Rules will apply to applications by Members for a refund of the Annual Fee;

(e) Subrule 10(2) of the Former Rules will apply to Unfinancial Members;

(f) Sub-rule 11(1) of the Former Rules shall apply to resignation from Membership.

(g) Sub-rule 72(a) of the Former Rules will apply to the payment of General Fund Sustainment Fees.

(h) Casual vacancies in Branch and Sub-Branch positions will be filled in accordance with Rule 63 of the Former Rules; and

(i) Rule 96 of the Former Rules will apply in relation to Workplace Delegates.

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.~~

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### AMEND RULE 96 AS FOLLOWS

- Amend subrules 96(4) to 96(8)
- Amend subrules 94(12) to 94(17)

- Amend subrules 94(23) and 92(24)

## 96. Workplace Delegates

### Election and appointment of workplace delegates

- (4) The ~~State Branch~~ Secretary (or their nominee) of the constituent States in each Branch of the Union where the workplaces, enterprises or businesses are located (“Relevant ~~Branch~~State”) will, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval** ~~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-State~~ Secretary (or their nominee) of the Relevant ~~Branch-State~~ will, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval**, determine the number of workplace delegates for a particular workplace (s), enterprise(s) or business(es) **in that State**.
- (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 **located in that State**, Branch Officer or other person nominated by the ~~Branch-State~~ Secretary of the Relevant ~~Branch-State~~ (or their nominee).
- (7) The ~~Branch-State~~ Secretary of the Relevant ~~Branch-State~~ may, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval** ~~at their absolute discretion~~, determine not to endorse the election of a workplace delegate. In the event the ~~Branch-State~~ 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-State~~ Secretary of the Relevant ~~Branch-State~~ may, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval** ~~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- State~~ in a form and manner deemed appropriate by the ~~Relevant Branch~~.

### Workplace co-delegates

- (12) The ~~Branch-State~~ Secretary (or their nominee) of the Relevant State of a Branch will, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval**, ~~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-State~~ Secretary of the Relevant ~~Branch-State~~ (or their nominee) where the workplaces, enterprises, or businesses are located will, **at after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval** ~~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 **located in that State**, Branch Officer or other person nominated by the ~~Branch-State~~ **Secretary of the Relevant State** (or their nominee).

- (15) The ~~Branch~~ State Secretary of the Relevant ~~Branch~~ State may, **after consultation with the Branch Secretary, and subject to the Branch Secretary's approval** ~~at their absolute discretion~~, determine not to endorse the election of a co-delegate. In the event the ~~Branch~~ State 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~~ State Secretary of the Relevant ~~Branch~~ State may, **after consultation with the Branch Secretary, and subject to the Branch Secretary's approval** ~~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~~ State in a form and manner deemed appropriate by the Relevant Branch.

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

- (23) A delegate or co-delegate must produce, at the request of the ~~Branch~~ State Secretary of the Relevant ~~Branch~~ State (or their nominee), a report about matters specified by the Branch Secretary **or the State Secretary** (or their nominee).

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

- (24) **After consultation with the Branch Secretary, and subject to the Branch Secretary's approval**, ~~The Branch~~ a State Secretary may determine to remove a workplace delegate or co-delegate from their position if the if the ~~Branch~~ State 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.

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### **AMEND ANNEXURE F AS FOLLOWS**

- Amend the heading of Annexure F
- Amend subrule 1(1)
- Amend subrules 3(a) to (c)
- Amend the heading of rule 7
- Delete the text of rule 7.
- Delete the text of subrule 7(1)
- Add a new subrule 7(1)
- Amend subrule 7(2)
- Amend subrules 8(1), (2) and (3)
- Amend the heading of subrule 9
- Delete the text of rule 9 and add new text
- Amend the heading and text of rule 10. Add new subrules 10(1) and 10(2)
- Delete rule 11 and renumber the remaining subrules accordingly
- Renumber existing rule 12 as rule 11 and amend the renumbered rule

- Renumber existing rule 13 as rule 12, delete the existing text and add new text in the renumbered rule
- Renumber existing rule 14 as rule 13
- Delete existing rules 15 and 16
- Renumber existing rule 17 as rule 14 and amend renumbered subrule 14(1)
- Renumber existing rule 18 as rule 15 and amend renumbered subrules 15(1) and 15(3)
- Renumber existing rule 19 as rule 16
- Renumber existing rule 20 as rule 17
- Delete existing rule 21
- Add a new rule 18.

## **ANNEXURE F - SPECIAL RULE - NEW SOUTH WALES and ACT MEMBERS 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 **State** Secretary of the ~~New South Wales Branch~~ **TWU NSW**. 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~~ **TWU NSW State Secretary** must pay from the ~~New South Wales Branch~~ **TWU NSW (State) of the Eastern Branch** to National Council sustentation fees for ~~2027~~<sup>13</sup> 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~~ **Eastern Branch that reside in NSW or the ACT.**
- (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~~ **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 TWU NSW (State) of the he New South Wales Branch of the Union Eastern Branch** 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 and ACT Members of the Eastern Branch Committee of Management ~~New South Wales Branch Committee of Management~~

#### (1) Subject to Rules 30, 60A, and subrule (2), the NSW and ACT members of the Eastern Branch Committee of Management shall determine the number of Committee members to be representative of the Sub-Branches ahead of each quadrennial election.

~~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) Subject to Rules 30 and 60A, the number of Committee members to be representative of the Sub-Branches for the 2026 quadrennial election is as follows: ~~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 TWU NSW (State) of the Eastern Branch ~~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 NSW and ACT members of the Eastern 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 **NSW and ACT members of the Eastern Branch Committee of Management** 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-Branches 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 ~~Committee members~~ **members** ~~men~~ to be determined by the **NSW and ACT members of the Eastern Branch Committee of Management**. The maximum number of ~~Committee members~~ **members** ~~men~~ 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 NSW and ACT members of the Eastern Branch Committee of Management  
Committeemen and Branch Secretary-Treasurer**

- (1) See Rules 30 and 60 of the substantive Rules and rule 7 of Annexure F.**
- (2) Only Members enrolled in the Sub Branch otherwise eligible shall be entitled to nominate and vote.**

~~(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 NSW and ACT Eastern Branch Officers

(1) ~~—Subject to sub-rule (2), see Rule 60A~~

(2) Subrule 60A(1)(f) is replace with:

**“One or two TWU NSW State Assistant Secretaries (the number to be determined by the Eastern Branch Committee of Management by resolution immediately prior to the election)”.**

~~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.~~

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

- (1) Elections shall be held in ~~2010~~ **2026** 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.

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

- ~~(1) See rule 57. 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.~~
- (24) 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.

## **13. 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.

#### **14. 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 ~~2026~~ 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.

#### **15. Meetings - Quorums**

- (1) ~~See Rule 50(3)(b) for meetings of the~~ At all meetings of the New South Wales Branch **Eastern 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) **Subject to sub-rules (1), (2) and Rule 50(3)(b),** 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.

#### **16. Rescissions and Recommittals**

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 recommittal has been resolved by not less than two-thirds of the Members present at the meeting voting in favour of such recommittal.

#### **17. 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.

## 18. Definitions Decisions by Correspondence

In this Special Rule, TWU NSW has the same meaning as subrule 16(4) of the substantive Rules.

- ~~(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~~
- ~~— NSW and ACT 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.~~
-

## **Annexure “EM8”**

Attendees at the Special National Council meeting conducted by Zoom at 12:30 pm (AEST) on Friday, 24 April 2026 are as follows:

### **Attendees:**

1. Michael Kaine
2. Emily McMillan
3. Richard Olsen
4. Nick McIntosh
5. Marija Marsic
6. Margaret Harvey
7. Mick Forbes
8. Klaus Pinkas
9. Josh Milroy
10. Julianne Kingaby
11. Guillaume Maze
12. Sam McIntosh
13. Allison Neill
14. Corey Colbram
15. Sam Lynch
16. Kirsty Sharkey
17. James Scott
18. Tim Dawson
19. Ray McMillan
20. Shane O'Brien
21. Jo Woodford

### **Apologies:**

22. Barry Farrington

## **Resolution – Alteration of the Rules**

National Council considers that it is in the best interests of the members to recast the structure of the Union to consolidate the number of Branch reporting units and restructure internal Branch composition while retaining a strong presence at the State and Territory level.

National Council also considers that the procedures in the rules governing the application and resignation of Gig, Pilot, and Cabin Crew Members should be clarified and streamlined to better align with the national footprint of those worker cohorts.

Finally, the National Council notes that some minor housekeeping amendments are considered appropriate.

The National Council is of the view that the Particulars of the Amendments to the Rules give effect to these intents.

Accordingly National Council resolves to alter the Rules in accordance with Rule 85(2) in accordance with the Particulars of the Amendments to the Rules below.

Moved: Michael Kaine  
Seconded: Margaret Harvey  
Carried: YES carried.

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### **PARTICULARS OF THE AMENDMENTS TO THE RULES**

In these particulars:

- (a) Deletions to the Rules are indicated by a strikethrough
- (b) Additions to the Rules are indicated by bold and underlined

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### **AMEND RULE 5 AS FOLLOWS**

- Amend sub-rules 5(1) and 5(2)
- Add a new subrule 5(1A)

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

- (1) **Subject to sub-rule 1A, A** ~~an~~ applicant for membership of the Union shall forward or cause to be forwarded to the ~~Branch~~ **State** Secretary ~~in of the particular State or territory~~ **forming part of the Branch** 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.

**(1A) An applicant for membership as a Gig Member, Pilot Member or Cabin Crew Member shall forward or cause to be forwarded to the National Secretary:**

**(a) an online application form via the Union's website; or**

**(b) an application form approved for use by those applicants.**

(2) Notwithstanding anything contained in sub-rules (1) and (1A):

(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.

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### **AMEND RULE 6 AS FOLLOWS**

- Amend subrule 6(1)
- Add a new sub-rule 6(2A)

#### **6. Admission**

(1) A person becomes a member immediately upon making an application in accordance with sub-rules ~~rule 5(1)~~ **or 5(1)(A)**.

(2) 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.

**(2A) The National Secretary may reject an application for admission to Membership made under rule 5(1A) if the applicant is of general bad character.**

(3) In this rule "signing" means making an application in accordance with rule 5.

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### **AMEND RULE 8 AS FOLLOWS**

- Amend sub-rule 8(2), including adding new subrules (a) and (b)
- Add a new subrule 8(2A)
- Amend subrules 8(5)(c), and 6(a)
- Add a new subrule 8(6A)
- Amend subrule 8(9), including amending subrule (a) and adding new subrules (e) and (f)

#### **8. Annual Fees**

(1) As from 1 January 2026, the Annual Fee is \$780.60 plus \$78.06 GST, totalling \$858.66.

(1A) The National Committee of Management may prescribe an Alternate Annual Fee for particular classes of Union members from time to time.

(2) **Subject to sub-rule (2A),** ~~the Annual Fee must be paid by: Members to the Branch in which the Member is enrolled.~~

**(a) Members to the State Office of the State of the Branch in which the Member resides;**  
**or**

**(b) Gig, Pilot and Cabin Crew Members to the National Office.**

**(2A) The National Committee of Management may prescribe that the Annual Fee is paid differently to sub-rule 2 for particular classes of Members from time to time.**

- (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~~ **TWU SA/NT constituent State of the Central and Western Branch** - by half the Annual Fee being paid by 28 February, and the other half by 31 August.
- (6) (a) **Subject to sub-rules (2A) and (6A), a** Branch Committee of Management may resolve that the Annual Fee paid by Members ~~to the Branch~~ in accordance with sub-rule (2)(a) 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.

**(6A) (a) Subject to sub-rule (2A), the National Secretary may determine that the Annual Fee Paid by Gig Members, Pilot Members and Cabin Crew Members in accordance with sub-rule (2)(b) is to be paid by instalments, payroll deductions or any appropriate method on such terms and conditions as the National Secretary considers appropriate.**

**(b) The National Secretary's decision under this sub-rule will continue to apply for the Annual Fee in each succeeding year unless rescinded.**

- (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~~ **State Secretary of the State of the Branch in which the Member resides** 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~~ **sub-rule (a)**.
- (d) Unfinancial Members are not entitled to apply for a refund of the Annual Fee.
- (e) Gig Members, Pilot Members and Cabin Crew Members may apply for a refund of the Annual Fee for the current year to the National Secretary by providing full details in writing of the reasons for the refund.**
- (f) The National Secretary must determine the amount, if any, to be refunded to a Gig Member, Pilot Member or Cabin Crew Member who applies in accordance with subrule (e).**

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## AMEND RULE 10 AS FOLLOWS

- Add a new subrule 10(3) and renumber the remaining subrule.

### 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) **Subject to rule (3)** ~~A~~ an Unfinancial Member becomes a Financial Member immediately upon the relevant ~~Branch~~ **State Office of the State of the Branch in which the Member resides** receiving payment of all unpaid Dues into its bank account.
- (3) **An Unfinancial Gig Member, Pilot Members or Cabin Crew Members become a Financial Member immediately upon the National Office receiving payment of all unpaid Dues into its bank account.**
- (4) ~~An~~ Unfinancial Member has no benefits, privileges or rights whatsoever associated with Membership.

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## AMEND RULE 11 AS FOLLOWS

- Amend subrule 11(1)
- Add new subrules 11(1A) and 11(1B)

### 11. Resignation from Membership

- (1) **Subject to sub-rules (1A) and (1B), a** ~~A~~ Member may resign from Membership by notice in writing addressed and delivered to the ~~Branch~~ **State** Secretary of the **constituent State of the Branch in which the Member resides.** ~~is enrolled.~~
- (1A) Gig Members, Pilot Members and Cabin Crew Members may resign from Membership by notice in writing addressed and delivered to the National Secretary.**
- (1B) The National Committee of Management may determine alternate methods for Gig Members, Pilot Members and Cabin Crew Members to resign from Membership.**

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## AMEND RULE 12 AS FOLLOWS

- Amend subrule 12(1) and (3)
- Add a new subrule 12(4)

### 12. Transfers

- (1) If a Member changes residence, and wishes to transfer from one Branch to ~~another~~ **the other Branch (or to another State within the same Branch)**, 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 to the other Branch Secretary or the relevant State Secretary, whichever is applicable.**

**(4) In this rule, "in writing" means by letter, email, or signed documents in electronic or hardcopy form.**

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## AMEND RULE 15 AS FOLLOWS

- Amend sub-rule 15(2)
- Add a new subrule 15(3) and renumber the subrules.
- Amend subrule 15(4), (5) and (6)

### 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~~
- (a) a Register of Members for Members enrolled in the Branch; and**
- (b) a roll of Membership** recording the Membership number, name, address and date of enrolment of each Member enrolled in that Branch.
- (3) Each State Secretary must keep at the State Office:**
- (a) that part of the Branch's Register of Members for each Member who resides in that State of the Branch; and**
- (b) That part of the Branch's roll of Membership recording the membership number, name, address and date of enrolment of each Member who resides in that State of the Branch.**
- (4) The registers and rolls referred to in sub-rules (1) and (2) ~~and (3)~~ must be available for inspection by the **General Manager of the Fair Work Commission** ~~industrial registrar of the principal registry established under the Workplace Relations Act or any person appointed by the~~ **General Manager** ~~registrar.~~
- (5) The **Register of Members and** roll of ~~the Members~~ referred to in sub-rules (2) **and (3)** must be made available to the National Secretary on request.
- (6) **The part of the Branch's Register of Members and roll of Membership referred to in sub-rule (3) must be made available to the Branch Secretary on request.**
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## AMEND RULE 16 AS FOLLOWS

- Delete the text of rule 16 and add new sub-rules 16(1) to (5)

### 16. **Formation and Constitution of Branches** ~~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.~~

**(1) To assist National Council to control and manage the Union, a Branch may be constituted in one or more geographical States and Territories.**

**(2) There are currently two Branches of the Union:**

- (a) the “Transport Workers Union of Australia Eastern Branch”, (referred to in these rules as the “Eastern Branch”), consisting of all Members residing in New South Wales, Queensland, Victoria, Tasmania and the Australian Capital Territory; and**
- (b) the “Transport Workers’ Union of Australia - Central and Western Branch”, (referred to in these rules as the “Central and Western Branch”), consisting of all Members residing in, South Australia, the Northern Territory and Western Australia.**

**(3) Each Branch will contain Members residing in certain geographical regions, referred to in these Rules as “States.”**

**(4) The States of the Eastern Branch are:**

- (a) TWU NSW, consisting of all Members residing in New South Wales and the Australian Capital Territory;**
- (b) TWU QLD, consisting of all Members residing in Queensland; and**
- (c) TWU Vic/Tas, consisting of all Members residing in Victoria and Tasmania.**

**(5) The States of the Central and Western Branch are:**

- (a) TWU WA, consisting of all Members residing in Western Australia; and**
- (b) TWU SA/NT, consisting of all Members residing in South Australia and the Northern Territory.**

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## **DELETE RULE 17 AND AMEND THE HEADING**

### **17. Intentionally Blank ~~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~~

~~— (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.~~

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## AMEND RULE 18 AS FOLLOWS

- Amend subrule 18

### 18. Membership in a Geographical State or Territory where a Branch is not Constituted

If for any reason a Branch is not constituted in a Sstate or Territory all matters relating to Membership in that geographical Sstate or tTerritory 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".

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## AMEND RULE 19 AS FOLLOWS

### 19. Mutual Support

National Council and all Branches (**including each State forming part of a Branch**) are **jointly and severally** pledged to, and must, loyally support each other, financially and otherwise, when required, subject to rule 20.

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## AMEND RULE 20 AS FOLLOWS

Amend sub-rules 20(1) and (2)

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

- (1) Any Branch or a State forming part of a 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 or a State forming part of a Branch that enters into an industrial dispute without having first obtained the permission of National Council.

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## AMEND RULE 21 AS FOLLOWS

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

Any Branch (or a State forming part of a 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 due Sustentation Fees and Levies due or owed by the Branch or State of a Branch are paid.

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## AMEND RULE 22 AS FOLLOWS

- Amend subrule 22(2)
- Amend subrule 22(4)(c) and (c)(i)
- Add new subrules 22(5) and (6) and renumber the sub-rule accordingly.

### 22. Disbanding a Branch

- (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 16, 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.
- (4) If National Council acts in accordance with sub-rule (3):
- (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 **subrules 30(2)(a) or 30(2)(b)** ~~paragraph 30(2)(f)~~ until the next ordinary election in the other Branch in the following way:
    - (i) the number of additional members of the Branch Committee of Management under **subrules 30(2)(a) or 30(2)(b)** ~~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 **the number in subrules 30(2)(a) or 30(2)(b)**);
- (5) National Council may at any time resolve to reverse the disbanding of a Branch under sub-rule (1), re-attach Affected Members to the restored Branch and restore the disbanded Branch to the position it was before it was disbanded.**
- (6) If National Council acts in accordance with sub-rule (5) the other Branch is restored to the position it was before the restored Branch was disbanded.**
- (7) No action taken by National Council in accordance with sub-rule (1) affects the Membership rights of Affected Members.
- (8) 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).

## AMEND RULE 22A AS FOLLOWS

Amend sub-rules 22A(2)(b), (c) and (d)

### 22A. Administration of a Branch

- (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 **(including the States forming part of a 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 **(including the States forming part of a 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 **and State Secretary** under Rules 35, 36, 37 **37A**, and sub-rule 40(2) are suspended until the Affected Branch is released from administration;

- (6) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, reconstitute a Branch under rule 22B, place a State under administration under rule 22(C), and its powers under sub-rule 25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally.
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**ADD A NEW RULE 22B AS FOLLOWS**

**22B Reconstituting a Branch**

- (1) National Council has the specific power to reconstitute a Branch;**
- (a) which fails to comply with any provision of the Rules regarding a State;**
  - (b) which fails to comply with any decision of National Council regarding a State;**
  - (c) the Branch Committee of Management, which acts contrary to law regarding a State;**
  - (d) the Branch Committee of Management, which fails to carry out its obligations regarding a State;**
  - (e) where a State forming part of a Branch;**
    - (a) fails to comply with any provision of the Rules;**
    - (b) fails to comply with any decision of National Council or the Branch Committee of Management;**
    - (c) acts contrary to law;**
    - (d) fails to carry out its obligations;**
    - (e) effectively ceases to function; or**
  - (f) where the Branch Committee of Management of a Branch resolves to request that the National Council reconstitute the Branch and exercise its power under this sub-rule to attach members residing in a State forming part of that Branch to another State of the Branch or to the other Branch.**
- (2) If National Council acts in accordance with sub-rule (1), it must, subject to sub-rules (3) and (4) attach the Affected Members;**
- (a) to another State of the Branch; or**
  - (b) to the other Branch**
- if it is considered, this will provide an appropriate means for the Affected Members to participate in the affairs of the Union and promote its efficient management.**
- (3) If National Council acts in accordance with sub-rule (2)(a):**
- (a) Members residing in the Affected State are removed from the Register of Members held by that State of the Branch and are attached to another State of the Branch (“Other State”);**
  - (b) the funds and property of the Branch in the Affected State must be transferred to the Other State;**
- (4) If National Council acts in accordance with sub-rule (2)(b):**

- (a) the Affected Members become Members of the other Branch for the purposes of the Rules;**
- (b) the funds and property of the Affected State 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)(a) or 30(2)(b) until the next ordinary election in the other Branch in the following way:**
- (i) A number of additional members of the Branch Committee of Management under paragraph 30(2)(a) or 30(2)(b) must be determined having regard to the relative number of Affected Members in that State 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 the relevant number in subrules 30(2)(a) or 30(2)(b));**
  - (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 rules 30 and 60.**
  - (iv) The additional members of the Branch Committee of Management hold office until the next ordinary election in the other Branch.**
- (d) 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 of the Affected State 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) National Council may at any time resolve to reverse a reconstitution of a Branch under sub-rule 1 and restore the Affected State to the position it was before the reconstitution.**
- (7) If National Council acts in accordance with sub-rule (6):**

- (a) Affected Members are re-attached to the Reconstituted State and become members of that Branch, (if they were transferred to another Branch under sub-rule 4(a));
  - (b) the funds and property of the Branch transferred under sub-rules 3(b) or 4(b) must be transferred back to the Reconstituted State;
  - (c) additional Branch Committee of Management appointed under sub-rule 4(c) cease to hold office.
  - (d) 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 subrules 30(2)(a) or 30(2)(b) until the next ordinary election in accordance with sub-rule 4(c)(i) to (iv);
  - (e) additional National Councillors appointed under sub-rule (4) cease to hold office; and
  - (f) National Council must temporarily increase the number of persons who are National Councillors of the Branch of the Reconstituted State in accordance with sub-rule 4(d) (i) to (iv).
- (8) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, place a Branch under administration under rule 22A, place a state under administration under rule 22C, exercise its powers under sub-rule s25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally.
- (9) In this rule:
- (i) “Affected Members” means the group of Members of an Affected State before it was reconstituted in accordance with sub-rule (1);
  - (ii) Affected State means the State of a Branch whose members are to be removed immediately before it was reconstituted in accordance with sub-rule (1);
  - (iii) “Reconstitute a Branch” means removing Members residing in a particular State forming part of a Branch and attaching them to another State of that Branch or to the other Branch.
  - (iv) Reconstituted State means an Affected State that is restored under sub-rule 6.

**ADD A NEW RULE 22C AS FOLLOWS**

**22C. Administration of a State**

- (1) National Council has the specific power to place a State forming part of a Branch under administration for a period of up to twelve months where the State:
- (a) fails to comply with any provision of the Rules;

- (b) fails to comply with any decision of National Council or the Branch Committee of Management;
  - (c) acts contrary to law; or
  - (d) fails to carry out its obligations.
- (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 placed under administration until the Affected State are suspended until the State is released from administration;
  - (b) Subject to subrule (c), the powers given to the Branch Committee of Management of the Affected State under rule 31 are suspended until the Affected State is released from administration
  - (a) Without limiting sub-rule (2)(a), National Council has all the powers afforded to the Affected Branch under Rule 31 regarding the Affected State until the Affected State is released from administration;
  - (b) Subject to rule (e), the powers given to the Affected Branch President, Vice President, Secretary, Assistant Secretary and State Secretary under Rules 35, 36, 37, 37A, and sub-rule 40(2) regarding the Affected State are suspended until the Affected State is released from administration;
  - (c) National Council has all the powers given to the Branch President, Vice President, Secretary, Assistant Secretary, State Secretary and State Assistant Secretary under Rules 35, 36, 37, 37A and 40(2) regarding the Affected State until the Affected State is released from administration;
  - (d) Subject to subrule (g), the powers given to the Trustees of the Affected State under rule 38 are suspended until the Affected State is released from administration;
  - (e) National Council has all the powers given to the Branch Trustees under Rule 38 regarding the Affected State until the Affected State is released from administration.
- (3) The National Council may exercise the powers afforded to it under sub-rules 22C(2)(a) to (g), in any manner it considers will be in the best interests of TWU members generally and in particular those Members of the Affected State.
- (4) No action taken by National Council in accordance with sub-rules (1) or (2) affects the Membership rights of Members of the Affected Branch.
- (5) Nothing in this rule affects National Council's powers to disband a Branch under rule 22, place a Branch under administration under rule 22A, reconstitute a Branch under rule 22B, sub-rule 25(2)(b) or exercise its powers under sub-rule 25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally.
- (6) In this rule:
- (i) "Affected Members" means the Members of an Affected State before it was placed under administration in accordance with sub-rule (1);
  - (ii) "Affected State" means the State of a Branch placed under administration in accordance with sub-rule (1).

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## AMEND RULE 23 AS FOLLOWS

- Amend subrules 23(1) and 23(2).

### 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”)~~ **members of the Eastern Branch residing in the geographical area covered by TWU NSW.**
- (2) Nothing contained in Annexure F affects the application of any other Rule to the ~~New South Wales~~ **Eastern Branch** and to:
  - (a) the holders of offices within, and
  - (b) the Members of; **the Eastern Branch,**

~~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.

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## AMEND RULE 24 AS FOLLOWS

- Amend subrule 24(1), including adding a new sub-rule (d) and renumbering the subrules
- Amend sub-rule 24(2), (2)(a), (b) and (c)
- Amend subrules 24(3)(a) and (b)

### 24. National Council

- (1) National Council consists of:
  - (a) the National Secretary;
  - (b) the National Assistant Secretary;
  - (c) ~~the each Branch Secretary; of each Branch;~~
  - (d) **each State Secretary;**
  - (e) any additional National Councillors representing a Branch pursuant to sub-rule (2);
  - (f) ~~the TWU NSW Canberra Sub Branch Secretary, and the Gas Industry National Councillor elected in accordance with rule 90(f);~~
  - (g) any additional National Councillors representing a Branch pursuant to paragraph 22(4)(e) **and 22B(4)(c);**
  - (h) a National Councillor residing in the Northern Territory elected directly by members of the **Central and Western Branch who reside in the Northern Territory;** ~~Branch to which the Northern Territory is attached;~~

- (i) a National Councillor residing in Tasmania elected directly by members of the **Eastern Branch who reside in Tasmania;** ~~Branch to which Tasmania is attached;~~ and
  - (i) a ~~woman female~~ National Councillor representing each ~~Branch~~ **constituent State of a 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, **each State Secretary of the Branch** and any additional National Councillors representing a Branch pursuant to sub-rule 22(4)(e) **or 22B(4)(c)**, each Branch is entitled to **1 additional National Councillor for each State of the Branch and the following number of National Councillors** ~~representation on National Council based on each State's~~ ~~its Effective Membership;~~ ~~by the following number of National Councillors:~~
- (a) from 3,001 Effective Members up to and including 6,000 Effective Members **of a constituent State of the Branch** - 1 additional National Councillor **for that State of the Branch;**
  - (b) from 6,001 Effective Members up to and including 9,000 Effective Members **of a constituent State of the Branch** - 2 additional National Councillors **for that State of the Branch;** and
  - (c) 9,001 Effective Members or more **of a constituent State of the Branch** - 3 additional National Councillors **for that State of the Branch.**
- (3) (a) To help ensure that the National Council is properly appraised of issues confronting ~~females~~ **women 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~~ **woman** from each Branch and one ~~women~~ **woman** from the 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.

## AMEND RULE 25 AS FOLLOWS

- Amend sub-rules (25(b) and (ba)

### 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 **and reconstituting** Branches in accordance with rule 22 **and 22B;**
  - (ba) placing Branches **and States** under administration in accordance with rule 22A **and 22C;**

## AMEND RULE 28 AS FOLLOWS

- Amend sub-rules (d) and (e).

### 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,~~ **each Branch Secretary, if not already a member by virtue of being elected to the position of National 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.~~ **each State Secretary, if not already a member by virtue of being elected to the position of National President;**
- 

## AMEND RULE 29 AS FOLLOWS

- Amend sub-rule 29(2)(g)
- Add new subrules 29(h) and (ii)

### 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:
    - (g) resolving that, where appropriate, concise financial reports be provided to Members in accordance with ~~Schedule 1B of the Workplace Relations Act 1996~~ **the Fair Work (Registered Organisations) Act** -as amended from time to time.
    - (h) approve out-of-budget expenditure by the National Office.**
    - (i) setting 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.**
-

## AMEND RULE 30 AS FOLLOWS

- Delete sub-rules 30(2)(a) to (e)
- Add new sub-rules 30(2)(a) and (b)
- Amend sub-rule 30(3)
- Delete the existing subrule 30 (4)
- Add new sub-rules 30(4) to (8)

### 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) not less than 7 and not more than 11 other members.~~
  - (a) for the Eastern Branch: not more than 33 members; and**
  - (b) for the Central and Western Branch: not more than 20 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).~~

**The Branch Committee of Management (BCOM) consists of Members elected by a ballot of the Members enrolled in the Branch who are eligible to vote in accordance with the Rules. The number of BCOM members from each constituent State of a Branch shall be determined by the BCOM based on proportionality and, representational fairness and equity ahead of each quadrennial election after the 2026 quadrennial election. The number of BCOM members for the 2026 quadrennial election is as follows:**

- ~~(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.~~

#### **Eastern Branch**

- (4) Subject to Annexure F, Members ordinarily residing in New South Wales and the ACT will elect 17 members of the Branch Committee of Management who ordinarily reside in NSW and the ACT to represent the interests of NSW and ACT Members in accordance with Rule 60 and the procedures in Annexure F.**
- (5) Members who ordinarily reside in Queensland will elect 7 members of the Branch Committee of Management who ordinarily reside in Queensland to represent the interests of Queensland Members in accordance with Rule 60;**
- (6) Members who ordinarily reside in Victoria and Tasmania will elect 9 members of the Branch Committee of Management who ordinarily reside in Victoria and Tasmania to represent the interests of Victoria and Tasmanian Members in accordance with Rule 60.**

#### **Central and Western Branch**

- (7) Members who ordinarily reside in Western Australia will elect 12 members of the Branch Committee of Management who ordinarily reside in Western Australia to represent the interests of Western Australian Members in accordance with Rule 60.**

**(8) Members who ordinarily reside in South Australia and the Northern Territory will elect 8 members of the Branch Committee of Management who ordinarily reside in South Australia and the Northern Territory to represent the interests of South Australia and the Northern Territory Members in accordance with rule 60**

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**AMEND RULE 31 AS FOLLOWS**

- Amend subrule 31(1)
- Delete the text of subrule 31(2)(f) and add new text
- Delete the text of subrule 31(2)(g) and add new text.
- Amend subrule.31(2)(q)

**31. Branch Committee of Management Powers**

- (1) The Branch Committee of Management has control of all business of the Union within the **geographical** ~~States or Territories~~ **territories** 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);~~ **scrutinise the remuneration and other entitlements, including termination and severance payments, of employees of the Union employed across the Branch, including its constituent States;**
  - (g) ~~determining whether Organizers are to be elected or appointed;~~ **endorsing out-of-budget expenditure by the Branch and States.**
  - (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~~ **the Fair Work (Registered Organisations) Act** as amended from time to time.
- 

### AMEND RULE 32 AS FOLLOWS

- Delete the words “and Vice President” from the heading to Rule 32
- Delete subrule 32(2) and renumber the rule
- Amend the renumbered subrule 32(2)

#### 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.

~~(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.~~

(2) 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 **appoint** ~~elect~~ a chairperson to preside whenever required.

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### AMEND RULE 33 AS FOLLOWS

- Amend r.33(2)(j)
- Amend subrule 33(2)(l)
- Amend subrule 33(3)(u)

### 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:
    - (j) keeping a debit and credit account between National Council and each Branch **and its constituent States;**
    - (l) **ensuring that prior to National Council each year,** ~~sending to each Branch and National Councillor in March of each year~~ **receives** the audited statement of income and expenditure together with the audited statement of assets and liabilities;
    - (u) paying any termination or severance payments in accordance with the relevant determination made by the National Committee of Management **or the National Trustees** relating to such payments; and
- 

#### AMEND RULE 34 AS FOLLOWS

- Delete the text of the current r34(c)
- Add new text to a new r.34(c)

### 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;~~ **to scrutinise and approve out-of-budget expenditure by the National Office.**
    - (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.
- 

#### AMEND RULE 36 AS FOLLOWS

- Amend subrule 36(1)

### 36. Branch Vice-President

- (1) Each Branch must have ~~a~~ **at least one** 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.
- 

### AMEND RULE 37 AS FOLLOWS

- Add new sub-rules 37(3)(c), (d), (e), (t), (u) and (v).
- Amend subrules 37(3)(l), (m), (n) and (o)
- renumber subrule 37(3) accordingly

#### 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) providing strategic leadership and operational oversight for the Branch**
  - (d) overseeing and supervising the State Secretaries;**
  - (e) attending media, industry forums and public engagements**
  - (f) attending all meetings connected with the Branch as far as practicable;
  - (g) dealing with industrial matters in accordance with rule 69;
  - (h) answering and filing correspondence;
  - (i) issuing receipts for all money received by the Branch Secretary;
  - ~~(g) depositing all money received in the Branch's bank account at least weekly;~~
  - (j) 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;~~
  - ~~(k) being custodian of the moveable property of the Branch;~~
  - (l) being in charge of overseeing the management of the Branch Office and any State Offices within the Branch;**
  - (m) being in charge of those employees who work in the Branch Office;
  - (n) ensuring that, at all times, an appropriate number of persons are employed to assist in carrying out ~~the work of~~ **work across** the Branch;

- (o) employing suitably qualified persons at the Branch to assist in carrying out ~~the work of the~~ **across the** Branch;
  - (p) 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;~~
  - (q) 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.
  - (r) paying any termination or severance payments in accordance with the relevant determination made by the Branch Committee of Management relating to such payments; and
  - (s) 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.
  - (t) determining the number of Organisers required by the Branch at any time in accordance with subrule 39(1).**
  - (u) keeping the Register of Members of each Member enrolled in the Branch, including the parts of the roll kept by States forming part of the Branch at State Offices.**
  - (v) keeping the roll of Membership that records the membership number, name, address and date of enrolment of each Member enrolled in that Branch.**
- 

## **ADD A NEW RULE 37A AS FOLLOWS**

### **37A. State Secretary**

- (1) The powers and functions of each State Secretary include:**
  - (a) acting as directed by the Branch Secretary;**
  - (b) performing all functions of the State Secretary described in the Rules;**
  - (c) managing the State Office, including but not limited to overseeing and supervising the day-to-day operations of the office;**
  - (d) managing State Office expenditure that is within the budget set by the Branch Committee of Management;**
  - (e) attending all meetings connected with that State as far as practicable;**
  - (f) dealing with industrial matters in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**

- (g) answering and filing correspondence in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (h) issuing receipts for all money received by the State Secretary in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (i) depositing all money received in the State Office bank account at least weekly in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (j) keeping all documents, books and accounts relating to the business of the Branch in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (k) issuing notices to Members who reside in that State who are in arrears with their Dues in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;
- (l) ensuring the payment of Sustentation Fees to National Council in accordance with sub-rule 71(2)(a);
- (m) subject to the directions of the Branch Secretary, managing Branch employees who work in the State Office;
- (n) ensuring (in consultation with the Branch Secretary) that, at all times, an appropriate number of persons are employed to assist in carrying out the work of the Branch in that State;
- (o) subject to the directions of the Branch Secretary, employing suitably qualified persons to assist in carrying out the work of the Branch in that State;
- (p) subject to the directions of the Branch Secretary, remunerating persons employed in the State.
- (q) subject to the directions of the Branch Secretary, terminating the employment of any persons employed in that State who, in the opinion of the State Secretary:
  - i. do not satisfactorily perform their duties; or
  - ii. are found guilty of serious misconduct; or
  - iii. have abandoned their employment; or
  - iv. are employed in a role which is no longer required to be performed in carrying out the work of the Union.
- (r) subject to the directions of the Branch Secretary, paying any termination or severance payments in accordance with the relevant resolution made by the Branch Committee of Management relating to such payments; and
- (s) reporting any decision made by the State Secretary to employ a person or terminate a person's employment to the Branch Secretary.
- (t) managing the that part of the Register of Members kept by the Branch for Members residing in that State.

**(u) managing the roll of Membership that records the membership number, name, address and date of enrolment of each Member residing in that State.**

**(v) keeping bank accounts and funds for that State of the Branch described in the Rules;**

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### **AMEND RULE 38 AS FOLLOWS**

- Amend subrule 38(1)
- Add a new subrule 38(2)(f)

#### **38. Branch Trustees**

- (1) Each Branch must have ~~at least 2 Branch Trustees.~~ **one Branch Trustee for each constituent State of the Branch.**
- (2) The powers and functions of the Branch Trustees are:
- (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; **and**
  - (f) to scrutinise expenditure and approve out-of-budget expenditure by the Branch or a State forming part of the Branch.**
- 

### **AMEND RULE 39 AS FOLLOWS**

Amend r.39(2)(b)

#### **39. Branch Organizers**

- (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 **or the State Secretary.**
- 

### **AMEND RULE 40 AS FOLLOWS**

- amend subrule 40(1)
- delete the existing subrules 40(2)(b) and 40(2)(c)
- add a new subrule 40(2)(b)

#### 40. Branch Officers

(1) Each Branch **must** ~~may~~ have 1 or more of the Branch Officers referred to in sub-rules (2)(a) and (b) 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~~

**(b) State Assistant Secretary:**

**(i) to assist the State Secretary;**

**(ii) when the State Secretary is absent, to perform the duties of the State Secretary; and**

**(iii) at all times, to act subject to the control and direction, in order of precedence, of:**

**(A) the Branch Secretary; and**

**(B) the State Secretary.**

~~(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.~~

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#### AMEND RULE 46 AS FOLLOWS

- Amend subrule 46(2)(a)

#### 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) ~~80% a majority~~ of National Councillors, or
  - (b) 2 or more Branch Committees of Management,
- 

#### **AMEND RULE 49 AS FOLLOWS:**

- Amend subrule 49(a)

#### **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 **may** be held every year at a time and place to be determined by the Branch Committee of Management;
- 

#### **AMEND RULE 50 AS FOLLOWS**

- Amend subrule 50(1)(b)
- Amend subrule 50(3) and add new subrules (a) and (b)

#### **50. Quorum**

- (1) (a) At meetings of National Council, **a** 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 **constituent State 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, 3 ~~4~~ members of the National Committee of Management form a quorum.
  - (3) At meetings of a Branch Committee of Management, **the following number of 8** members of the **relevant** Branch Committee of Management form a quorum:-
    - (a) 12 members of the Central and Western Branch Committee of Management, subject to at least 50% of the members representing each State being present; and**
    - (b) 20 members of the Eastern Branch Committee of Management, subject to at least 50% of the members representing each State being present.**
-

## AMEND RULE 53 AS FOLLOWS

- 
- Amend subrule 53(1)(c)
- Add new sub-rule 53(1)(d) and renumber the subrule accordingly
- Delete the existing subrule 53(3) and renumber the subrule
- Amend subrule 53(4) of the renumbered subrule
- Add a new subrule 53(5) to the renumbered subrule

### 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 Secretary is entitled to ~~at least~~ 1 vote;
  - (d) Each constituent State of a Branch is entitled to 1 vote:**
  - (e) \_\_\_ If the number of Effective Members of a **constituent State of a Branch** exceeds 1,000, the ~~State Branch~~ is entitled to 1 additional vote for each additional 1,000 Effective Members or part thereof.;
  - (f) \_\_\_ Subject to paragraph (g), the total number of votes to which a **constituent State of a Branch** is entitled must be allocated equally amongst the National Councillors representing ~~that the Branch State~~ (including the ~~Branch~~ **relevant State** Secretary) who are present at the meeting or who have indicated to the National President that they intend voting in the ballot;
  - (g) If the votes cannot be allocated equally in accordance with paragraph (f), the remaining vote or votes must be distributed first to the ~~Branch~~ **relevant State** Secretary and then in the order the National Councillors were elected;
  - (h) A National Councillor elected pursuant to Rule 24(1)(g), Rule 24(1)(h) or Rule 24(1)(i) is entitled to one vote; and
  - (i) The TWU NSW Canberra Sub-Branch Secretary ~~and the Gas Industry National Councillor elected in accordance with Rule 90(f) and provided for in Rule 24(1)(fe)~~ shall be entitled to one vote.
  - (j) 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) Each Branch Secretary is entitled to 1 vote; and ~~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) The National President is entitled to 1 vote (unless they are a Branch Secretary, in which case their entitlement to votes is determined by sub-paragraph (ii)). ~~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~~

~~(c) the result of the vote;~~

~~must be recorded in the minutes.~~

(3) 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.

(4) Subject to sub-rule (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.

**(5) All decisions and ballots of the Central and Western Branch Committee of Management require a minimum of 75% of the votes to pass.**

## AMEND RULE 54 AS FOLLOWS

- Amend the title
- Amend subrule 54(2)
- Add new sub-rules 54(7) and 54(8)
- Renumber the rule accordingly

### 54. Decisions by Postal or Electronic 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 or electronic 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), (7) 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 person responsible for the conduct of the ballot, where it is practicable to do so, may utilise an electronic balloting system as an alternative to the paper balloting system.**
  - (8) An electronic balloting system to be utilised under sub-rule (7) must provide:**
    - (a) for the security of a ballot to the same extent that these rules provide; and**
    - (b) that each committee member entitled to vote in the ballot is given the opportunity to vote.**
  - (9)** 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).
  - (10)** 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.
- 

## **AMEND RULE 57 AS FOLLOWS**

- Add new sub-rules 57(1)(b)(ii)(D), 57(1)(b)(ii)(F) and renumber subrule 57(1)(b) accordingly
- Amend new subrule 57(1)(b)(ii)(G) of the renumbered subrule
- Delete the text of subrule 57(2)(b) and delete subrule (2)(g).
- Delete subrule 2(b) and renumber the subrule
- Amend subrule 57(2)(e) of the renumbered subrule
- Amend subrules 57(2A), 2(B) and 2(C).
- Delete the reference to the electing inaugural Pilot Councillor in subrule 57(3).
- Amend subrule 57(4)
- Add new subrules 57(4B) and (4C)
- Amend subrule 57(5)

### **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 State Secretary,**
  - (E) a Branch Assistant Secretary,
  - (F) **a State Assistant Secretary, or** ~~a Branch Industrial Research Officer~~
  - (G) an **employed** Organizer, (whether elected or appointed).

(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,~~
- (b) the National Secretary,
- (c) a Branch President,
- (d) a Branch Secretary, or
- (e) **a State Secretary, a Branch Industrial Research Officer,**
- ~~(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 **National Assistant Secretary,**~~ Branch Assistant Secretary or **State 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 continuous 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 an 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) **Subject to sub-rules (4A), 4B), and 4(C),** ~~A~~ 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.
- (4B) A person may nominate for both the position of Branch Secretary and State Secretary within the same Branch, even if each such position carries with it a full-time salary. However, if the person is elected to both positions, they shall be paid only the salary associated with one position.**
- (4C) A person may nominate for both the position of Branch Assistant Secretary and State Secretary or State Assistant Secretary within the same Branch, even if each such position carries with it a full-time salary. However, if the person is elected to both positions, they shall be paid only the salary associated with one position.**
- (5) **Unless otherwise provided in the Rules,** ~~a~~ 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.

## AMEND RULE 58 AS FOLLOWS

- Deleted the reference to National Vice President
  - Amend subrule (1)(b)
  - ~~Delete subrule (1)(c)~~
  -
- 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, **and**
  - (b) **3 National Trustees.** ~~the National Vice President, and~~
  - ~~(c) 3 National Trustees.~~

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## AMEND RULE 59 AS FOLLOWS

- Amend subrule subrules 59(1), (2a),(3), (4), (16) and (18).

### 59. Election of National Secretary

- (1) National Council must appoint a National Returning Officer in accordance with rule 66:
  - (a) by 1 September, ~~2026~~ 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 ~~2026~~ 2010; and
  - (b) the third Tuesday of August every four years thereafter.
- (3) Nominations open at noon on:
  - (a) the second ~~Tuesday~~ **Monday** of September ~~2026~~ 2010; and
  - (b) the second ~~Tuesday~~ **Monday** of September every four years ~~thereafter.~~ **thereof.**
- (4) Nominations close at noon on:
  - (a) ~~the first Tuesday of October 2010~~ **eighteen [18] days after nominations open;** and
  - (b) ~~the first Tuesday of October~~ **eighteen [18] days after nominations open** every four years thereafter.

**provided if that day is a public holiday in the place where nominations have been called nominations will close the following day.**

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.
- (16) The poll must open at noon on:
  - (a) the second Monday of November ~~2026~~ 2010; and
  - (b) the Second Monday of November every four years thereafter.
- (18) The poll must close at noon:
  - (a) eighteen [18] days after it opens in ~~2026~~ 2010; and
  - (b) eighteen [18] days after it opens every four years thereafter.

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## AMEND RULE 59A AS FOLLOWS

- Amend subrule 59A(4)(a)

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

- (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, 2027 ~~2014~~; and
  - (b) 10 January every four years thereafter.
- 

### **AMEND RULE 59B AS FOLLOWS**

Amend subrule 53B(1)(b)(i)

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

- (1)
- (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 2027 ~~2023~~; and
      - (b) 10 January every four years thereafter.
- 

### **AMEND RULE 60 AS FOLLOWS**

- Amend r.60(1)(a)
- Delete subrules 60(2)(a) to (i).
- Renumber the existing subrule 60(2)(f) as 60(2)(a) and amend the subrule
- Renumber the existing 60(2)(f) as 60(2)(b)
- Add a new subrule 60(2A)
- Amend subrules 60(3)(a) and (b)
- Amend subrules (6)(4)(a) and (b)
- Amend subrule 60(5A) and (5A)(a)
- Amend subrule 60(5E)
- Amend subrule.60(5H)(a)
- Amend subrule.60(6)(b)
- Amend subrule.60(16)(a)
- Amend subrule.60(24)(a)

### **60. Branch Elections**

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer in accordance with rule 67 by:
- (a) 1 September, 2026 ~~2010~~; and
  - (b) 1 September every four years thereafter.
- (2) The Branch Returning Officer must **cause an election notice to be published calling** ~~call~~ for nominations for elections to the positions of:

(a) persons who are members of the Branch Committee of Management in accordance with paragraph ~~sub-rules 30(2)(f); to 30(8);~~

(b) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with Rule 24(1);

~~— (a) Branch President;~~

~~— (b) Branch Vice President;~~

~~— (c) Branch Secretary;~~

~~— (d) Branch Assistant Secretary (where required);~~

~~— (e) 2 Branch Trustees;~~

~~— (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.~~

**(2A) the election notice must be published as follows:**

**(a) the Branch Returning Officer shall facilitate the publication of an election notice on the AEC website; and**

**(b) the Union shall publish the election notice produced by the Branch Returning Officer on the Union's website;**

(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~~ **Monday** of September ~~2010~~; and

(b) the second ~~Tuesday~~ **Monday** of September every four years thereafter.

(4) Nominations must close at noon on:

(a) ~~the first Tuesday of October 2010;~~ **eighteen [18] days after nominations open,** and

(b) ~~the first Tuesday of October~~ **eighteen [18] days after nominations opens** every four years thereafter.

**provided if that day is a public holiday in the place where nominations have been called nominations will close the following day.**

(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 **and a named Team Leader**;
- (a) approach the ~~candidate for Branch Secretary~~ **Team Leader** 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 **in the Branch (including positions in its constituent States)** for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
- (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~~ **Team Leader** (or **another member of Team Nomination if the Team Leader**) ~~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.
- (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:
- (b) in the case of a Team Nomination, notify the ~~candidate for Branch Secretary~~ **Team Leader** 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.
- (16) The poll must open at noon on:
- (a) the second Monday of November **2026** ~~2010~~; and
  - (b) the second Monday of November every four years thereafter.
- (18) The poll must close at noon:
- (a) eighteen [18] days after it opens in **2026** ~~2010~~; and
  - (b) eighteen [18] days after it opens every four years thereafter.
- (24) Persons declared elected to the positions referred to in sub-rule (2) take office on:

- (a) 10 January, ~~2027~~ 2014; and
  - (b) 10 January every four years thereafter,
- and the retiring persons continue to hold office in the meantime.

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**ADD NEW RULE 60A AS FOLLOWS**

**60A. Election of the Officers of the Branch Committee of Management**

- (1) Subject to Annexure F, within twenty-eight days of 10 January 2027 and 10 January of every fourth year after that, each Branch Committee of Management (“BCOM”) will meet and elect by and from the members thereof the following Officers:**
  - (a) the Branch Secretary**
  - (b) the Branch President;**
  - (c) one or two Branch Vice- Presidents (the number to be determined by the Branch Committee of Management by resolution immediately prior to the election);**
  - (d) the Branch Assistant Secretary**
  - (e) a State Secretary for each State from Members representing that State within the Branch;**
  - (f) State Assistant Secretaries for, one for each State from Members representing that State; and**
  - (g) One Branch Trustee for each State within the Branch).**
- (2) The Branch Returning Officer shall call for nominations at the first session of the meeting immediately after the number of Branch Vice Presidents to be elected has been determined.**
- (3) Subject to subrule (4), any member of the BCOM may nominate any other BCOM 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.**
- (4) A candidate for State Secretary or State Assistant Secretary must be nominated by members of the BCOM as follows:**
  - (a) only members of the BCOM who represent the interests of NSW and ACT Members can nominate a candidate for TWU NSW State Secretary or State Assistant Secretary.**
  - (b) only members of the BCOM who represent the interests of Queensland Members can nominate a candidate for TWU QLD State Secretary or State Assistant Secretary.**
  - (c) only members of the BCOM who represent the interests of the Victorian and Tasmanian Members can nominate a candidate for TWU Vic/Tas State Secretary or State Assistant Secretary.**
  - (d) only members of the BCOM who represent the interests of South Australian and Northern Territory Members can nominate a candidate for TWU SA/NT State Secretary or State Assistant Secretary.**
  - (e) only members of the BCOM who represent the interests of Western Australian Members can nominate a candidate for the TWU WA State Secretary or State Assistant Secretary.**

- (5) In the event of an election being necessary, the Returning Officer shall conduct such an election by secret ballot.
- (6) If all members of the BCOM are present, the Returning Officer will give each member of the BCOM a ballot paper on which to record a vote, and the ballot paper must be returned to the Branch Returning Officer.
- (7) After members have voted, the Returning Officer will, together with such scrutineers as candidates may have appointed, count the votes and declare elected the members who receive the greatest number of votes.
- (8) All candidates elected take office at the conclusion of the BCOM meeting at which the election was held.
- (9) If not all members of the BCOM are present, the Returning Officer will send each member of the BCOM a ballot paper by priority-paid mail, along with a stamped envelope addressed to the Returning Officer. Such ballot paper and stamped addressed envelope shall be posted not later than the next day on which the Branch Office is opened for business after receiving the nominations.
- (10) 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. Only ballot papers returned to the Branch Returning Officer before the close of the poll may be included in the ballot.
- (11) 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.
- (12) A candidate may, at the time of nomination, appoint in writing to the Branch Returning Officer a scrutineer.
- (13) A candidate may, at any time, by writing to the National Returning Officer, change a previously appointed scrutineer.
- (14) 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.
- (15) The 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.
- (16) If a candidate fails to remedy a defect in accordance with sub-rule (3), the Branch Returning Officer must reject the nomination.
- (17) Holders of the positions referred to in sub-rule (1) hold office until their successors have been elected at the first meeting of the Branch Committee of Management following each subsequent election of members of the Branch Committee of Management.

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**AMEND RULE 61 AS FOLLOWS**

- Amend the Title
- Delete subrule 61(b) and renumber the subrule.

**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 or;
- ~~(b) the National Vice President, or~~
- (b)** 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.

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**AMEND RULE 63 AS FOLLOWS**

- Delete subrules 63(1)(h) and (i)
- Add a new subrules 63(1)(e) and (f) and renumber the subrule.
- Amend subrule 63(1)(h) of the renumbered subrule
- Add new subrules (63(3)(i) and (ii) and (3)(baa).
- Add a new subrule 63(4) and renumber the remaining subrules.
- Amend subrule 63(4)

**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) State Secretary;**
- (f) State Assistant Secretary**
- (g) 2-Branch Trustees;**

**(h)** persons who are members of the Branch Committee of Management in accordance with ~~paragraph~~ **subrules 30(2) to 30(8)(f);**

**(i)** 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 of:

**(i) persons who are members of the Branch Committee of Management in accordance with subrules 30(2) to 30(8);**

**(ii) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;**

must be conducted in accordance with rule ~~60~~ 62, except that:

(ba) a Team Nomination is not allowed;

~~**(baa) only Members residing in the geographical location in sub-rules 30(2) to 30(8) relevant to the vacant position on the Branch Committee of Management may participate in the election;**~~

(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) **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 of:**~~

**i. Branch President;**

**ii. Branch Vice-President;**

iii. Branch Secretary;

iv. Branch Assistant Secretary;

v. State Secretary;

vi. State Assistant Secretary; and

vii. Branch Trustee.

**must be conducted in accordance with rule 60(A) except that:**

**(c) the Branch Committee of Management must set alternative dates to those described in sub-rule 60A;**

**(d) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and**

**(e) the election must be completed within 4 months of the casual vacancy occurring.**

- (5)** 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.
- (6)** 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.
- (7)** 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.~~
- (8)** Rule 24(1)(h) will become operational as from the first scheduled election after this rule is Certified by the **Fair Work Commission**. ~~Industrial Registrar.~~
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## **AMEND RULE 66 AS FOLLOWS**

- Amend subrule 66(1)
- Amend subrule 66(3)

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

- (1) National Council must appoint a National Returning Officer by:
- (a) 1 September, ~~2010~~ 2026; 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 **subject to s.182(1) of the Fair Work (Registered Organisations) Act.**

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**AMEND RULE 67 AS FOLLOWS**

- Amend subrule 67(1)
- Amend subrule 67(3)

**67 Branch Returning Officer**

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer by:
  - (a) 1 September, ~~2010~~ **2026**; 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 **subject to s.182(1) of the Fair Work (Registered Organisations) Act**.

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**AMEND RULE 71 AS FOLLOWS**

- Amend subrules 71(1) and 71(c)(ii)

**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:
  - (b) Instruments, including certified agreements or enterprise flexibility agreements referred to in the **Fair Work Act**, ~~Workplace Relations Act~~ relating to proceedings in the **Fair Work Commission** ~~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.

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**AMEND RULE 72 AS FOLLOWS**

- Amend subrule 72(2)(a) and (b)
- Add a new subrule 72(c) renumber the rule accordingly
- Amend subrule 72(3)

## 72 Funds

- (1) The Union may raise funds through the collection by Branches of Members' Dues, and by other means.
  - (2)
    - (a) Each ~~State Branch~~ Secretary must, **on behalf of the Branch to which the State belongs,** pay to the National Council ~~from the respective Branch General Fund Sustentation Fees each for 2013 and each subsequent year,~~ an amount equal to 17.64% of the income received as Annual Fees **from Members residing in that constituent State of the Branch** 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 **the constituent State of the Branch.** ~~Branches.~~
    - (c) **Each State Secretary must notify their Branch Secretary in writing that the State paid the Sustentation Fee referred to in paragraph (a) to the National Council and the amount of the fee within 7 days of the payment**
    - (d) 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 **or State Secretary not** to make payments of Sustentation Fees due to National Council in accordance with this rule.
- 

### AMEND RULE 80 AS FOLLOWS

- Amend subrule 80(1) and subrule 80(3)

#### 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 **Fair Work (Registered Organisations) Act.** ~~Workplace Relations Act.~~
  - (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 **Fair Work (Registered Organisations) Act.** ~~Workplace Relations Act.~~
- 

### AMEND RULE 81AS FOLLOWS

- Amend subrules 81(1)(g) and (h).
- Add a new subrule 81(1)(i)

- Amend subrule 81(2)(b)

### 81. Inspection of Financial Accounts

- (1) Subject to sub-rules (2) and (4), a Financial Member has the right to inspect:
  - (g) a ~~roll of the Membership~~ **Register of Members** kept by National Council, ~~or~~
  - (h) a ~~roll of the Membership~~ **Register of Members** kept by a Branch, or
  - (i) the part of a Branch's Register of Members kept by a composite State of the Branch.**

at any reasonable time.
- (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), (h) or **(i)** - from the relevant Branch President.

### AMEND RULE 85 AS FOLLOWS

- Amend subrule 85(2)(b)
- Delete the text of subrule 85(4)(a) and replace it with new text.
- Amend rule 85(4)(c)
- Amend subrule 85(5)

### 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), **by a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution.**
- (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 in accordance with a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution;** ~~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 **each** 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 **Fair Work (Registered Organisations) Act** ~~Workplace Relations Act~~, the Rules may be amended by a resolution of National Council or the National Committee of Management without any other requirement.
- 

## DELETE RULE 90 AND AMEND AS FOLLOWS

- Delete the text of Rule 90 and amend the heading.

### 90. Intentionally Blank 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) Liquified 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 transferee 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.~~

~~———— (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.~~

~~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.~~

~~— (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.~~

~~— (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.~~

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## AMEND RULE 92AS FOLLOWS

- Amend subrules 92(bb), 92(cc), 92(dd)
- Amend subrules 92(nn) and (oo)
- Add a new subrule 92(aa3) ~~and~~ and 92(aa4) and 92(aa5)

### 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:
  - (bb) "eOffice" has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009
  - (cc) "eOfficer" has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009
  - (dd) "Registered" means registered with the Fair Work Commission ~~Australian Industrial Relations Commission~~ in accordance with the Workplace Relations Act ~~Fair Work (Registered Organisations) Act 2009~~, as amended from time to time;

- (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.
- (nn) "Union" means Transport Workers' Union of Australia, an organization Registered in accordance with the ~~Workplace Relations Act~~ **Fair Work (Registered Organisations) Act 2009**, ~~Workplace Relations Act~~; and
- (oo) ~~Workplace Relations Act 1996~~ **Fair Work (Registered Organisations) Act 2009 (Cwth)** ", ~~Workplace Relations Act~~ " means the ~~Commonwealth Workplace Relations Act 1996~~ **Fair Work (Registered Organisations) Act 2009 (Cwth)** or any legislation which replaces it.
- (aa3) "State" means the designated geographical region of a Branch where Members of the Branch reside.**
- (aa4) "State Office" means the designated physical or virtual environment within a State where administrative, financial, and managerial activities are conducted to support the core operations of a state or territory of a State.**
- (aa5) "Register of Members" means the register of members required to be kept under s.230(1)(a) of the Fair Work Registered Organisations Act.**
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**AMEND RULE 95 AS FOLLOWS**

- Delete the text of Rule 95, add new text, and amend the title

**95. Transitional Rule - Continuity**

- (1) In this rule, the words in column A have the meaning assigned in column B:**

<u>A</u>	<u>B</u>
<u>Certification Day</u>	<u>The day on which this transitional rule is certified by the Fair Work Commission.</u>
<u>Transition Day</u>	<u>10 January 2027, or the date the persons declared elected to an Office in the 2026 quadrennial election take that Office, whichever is later.</u>
<u>Existing Branches</u>	<u>The NSW/Qld/ Vic Tas (Interim Governance) Branch, South Australian/Northern Territory Branch and Western Australian Branch as they were on the day before the Certification Day.</u>
<u>Office</u>	<u>Has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act.</u>

<u>Office Holder</u>	<u>A person who holds an Office, including persons performing duties as a designated officer under Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act.</u>
<u>Incumbent Office Holder</u>	<u>A person elected or appointed under these Rules to an Office and holding that Office on the day before the Certification Day including but not limited to</u> <ul style="list-style-type: none"> <li>• <u>National Council;</u></li> <li>• <u>National Committee of Management;</u></li> <li>• <u>Finance Committee of National Council;</u></li> <li>• <u>National Trustees;</u></li> <li>• <u>National President and Vice President;</u></li> <li>• <u>National Secretary and National Assistant Secretary;</u></li> <li>• <u>Existing Branch Presidents and Vice Presidents;</u></li> <li>• <u>Existing Branch Committees of Management;</u></li> <li>• <u>Existing Branch Trustees;</u></li> <li>• <u>Existing Branch Secretaries and Branch Assistant Secretaries; and</u></li> <li>• <u>Persons holding office in NSW and the ACT under Annexure F.</u></li> </ul>
<u>2026 Election</u>	<u>The 2026 quadrennial elections held under rules 58, 59, 59A, 60 and 60A.</u>
<u>Former Rules</u>	<u>The Rules of the Transport Workers Union of Australia as at the day before the Certification Day.</u>

**(2) The purpose of this transitional rule is to ensure continuity of the administration of the Union during the period between the Certification Day and the Transition Day.**

**(3) This rule:**

**(a) will commence to operate on, and from, the Certification Day;**

**(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) shall cease to have an effect on the Transition Day.**

**(4) The Existing Branches will continue to exist and operate until the Transition Day so far as it is necessary for the proper and efficient administration of the Union in the period from the Certification Day to the Transition Day.**

**(5) Incumbent Office Holders will, until the Transition Day, continue to:**

**(a) hold their Office;**

**(b) exercise the powers given to them under the Former Rules, including, but not limited to, the powers given to the Existing Branch Branch Presidents, Vice Presidents, Branch Trustees, Branch Secretaries, and Branch Assistant Secretaries under Rules 35, 36, 37, 38 and 40(2).**

**(6) In the period between the Certification Day and the Transition Day:**

**(a) Applications for membership under rule 5(1)(a) are made to the Existing Branch Secretary.**

**(b) Annual Fees or Alternate Annual Fees due under sub-rule 8(2)(a) are paid to the relevant Existing Branch;**

- (c) Subrule 8(5)(c) of the Former Rules will apply to payment of the Annual Fee for the purpose of Rule 8;
- (d) Subrule 8(9)(a) of the Former Rules will apply to applications by Members for a refund of the Annual Fee;
- (e) Subrule 10(2) of the Former Rules will apply to Unfinancial Members;
- (f) Sub-rule 11(1) of the Former Rules shall apply to resignation from Membership.
- (g) Sub-rule 72(a) of the Former Rules will apply to the payment of General Fund Sustentation Fees.
- (h) Casual vacancies in Branch and Sub-Branch positions will be filled in accordance with Rule 63 of the Former Rules; and
- (i) Rule 96 of the Former Rules will apply in relation to Workplace Delegates.

#### 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.~~

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## AMEND RULE 96 AS FOLLOWS

- Amend subrules 96(4) to 96(8)
- Amend subrules 94(12) to 94(17)
- Amend subrules 94(23) and 92(24)

### 96. Workplace Delegates

#### Election and appointment of workplace delegates

- (4) The ~~State Branch~~ Secretary (or their nominee) of the **constituent States in each** Branch of the Union where the workplaces, enterprises or businesses are located (“**Relevant Branch State**”) will, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval** ~~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 State~~ Secretary (or their nominee) of the Relevant ~~Branch State~~ will, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval**, determine the number of workplace delegates for a particular workplace (s), enterprise(s) or business(es) **in that State.**
- (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 **located in that State**, Branch Officer or other person nominated by the ~~Branch State~~ Secretary of the Relevant ~~Branch State~~ (or their nominee).
- (7) The ~~Branch State~~ Secretary of the Relevant ~~Branch State~~ may, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval** ~~at their absolute discretion~~, determine not to endorse the election of a workplace delegate. In the event the ~~Branch State~~ 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 State~~ Secretary of the Relevant ~~Branch State~~ may, **after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval** ~~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~~ State in a form and manner deemed appropriate by the ~~Relevant Branch~~.

### **Workplace co-delegates**

- (12) The ~~Branch~~ State Secretary (or their nominee) of the Relevant State of a Branch will, **after consultation with the Branch Secretary, and subject to the Branch Secretary's approval,** ~~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~~ State Secretary of the Relevant ~~Branch~~ State (or their nominee) where the workplaces, enterprises, or businesses are located will, **at after consultation with the Branch Secretary, and subject to the Branch Secretary's approval** ~~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 **located in that State,** Branch Officer or other person nominated by the ~~Branch~~ State **Secretary of the Relevant State** (or their nominee).
- (15) The ~~Branch~~ State Secretary of the Relevant ~~Branch~~ State may, **after consultation with the Branch Secretary, and subject to the Branch Secretary's approval** ~~at their absolute discretion,~~ determine not to endorse the election of a co-delegate. In the event the ~~Branch~~ State 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~~ State Secretary of the Relevant ~~Branch~~ State may, **after consultation with the Branch Secretary, and subject to the Branch Secretary's approval** ~~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~~ State in a form and manner deemed appropriate by the Relevant Branch.

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

- (23) A delegate or co-delegate must produce, at the request of the ~~Branch~~ State Secretary of the Relevant ~~Branch~~ State (or their nominee), a report about matters specified by the Branch Secretary **or the State Secretary** (or their nominee).

## Removal of workplace delegates and co-delegates

- (24) **After consultation with the Branch Secretary, and subject to the Branch Secretary's approval.** ~~The Branch~~ **a State** Secretary may determine to remove a workplace delegate or co-delegate from their position if the if the ~~Branch~~ **State** 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.

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## AMEND ANNEXURE F AS FOLLOWS

- Amend the heading of Annexure F
- Amend subrule 1(1)
- Amend subrules 3(a) to (c)
- Amend the heading of rule 7
- Delete the text of rule 7.
- Delete the text of subrule 7(1)
- Add a new subrule 7(1)
- Amend subrule 7(2)
- Amend subrules 8(1), (2) and (3)
- Amend the heading of subrule 9
- Delete the text of rule 9 and add new text
- Amend the heading and text of rule 10. Add new subrules 10(1) and 10(2)
- Delete rule 11 and renumber the remaining subrules accordingly
- Renumber existing rule 12 as rule 11 and amend the renumbered rule
- Renumber existing rule 13 as rule 12, delete the existing text and add new text in the renumbered rule
- Renumber existing rule 14 as rule 13
- Delete existing rules 15 and 16
- Renumber existing rule 17 as rule 14 and amend renumbered subrule 14(1)
- Renumber existing rule 18 as rule 15 and amend renumbered subrules 15(1) and 15(3)
- Renumber existing rule 19 as rule 16
- Renumber existing rule 20 as rule 17
- Delete existing rule 21
- Add a new rule 18.

## ANNEXURE F - SPECIAL RULE - NEW SOUTH WALES and ACT MEMBERS 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 **State** Secretary of the ~~New South Wales Branch~~ **TWU NSW**. 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~~ **TWU NSW State** Secretary must pay from the ~~New South Wales Branch~~ **TWU NSW (State) of the Eastern Branch** to National Council sustentation fees for 2027~~13~~ 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~~ **Eastern Branch that reside in NSW or the ACT.**
- (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~~ **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 TWU NSW (State) of the** ~~he New South Wales Branch of the Union~~ **Eastern Branch** 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 and ACT Members of the Eastern Branch Committee of Management  
New South Wales Branch Committee of Management

(1) Subject to Rules 30, 60A, and subrule (2), the NSW and ACT members of the Eastern Branch Committee of Management shall determine the number of Committee members to be representative of the Sub-Branches ahead of each quadrennial election.

~~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) Subject to Rules 30 and 60A, the number of Committee members to be representative of the Sub-Branches for the 2026 quadrennial election is as follows: ~~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 TWU NSW (State) of the Eastern Branch ~~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 NSW and ACT members of the Eastern 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 **NSW and ACT members of the Eastern** Branch Committee of Management 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-Branches 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 ~~Committee members men~~ to be determined by the **NSW and ACT members of the Eastern** Branch Committee of Management. The maximum number of ~~Committee members men~~ 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 NSW and ACT members of the Eastern Branch Committee of Management Committeemen and Branch Secretary-Treasurer**

- (1) See Rules 30 and 60 of the substantive Rules and rule 7 of Annexure F.**
- (2) Only Members enrolled in the Sub Branch otherwise eligible shall be entitled to nominate and vote.**

~~(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 NSW and ACT Eastern Branch Officers**

- (1) ~~Subject to sub-rule (2), see Rule 60A~~**
- (2) Subrule 60A(1)(f) is replace with:**

**“One or two TWU NSW State Assistant Secretaries (the number to be determined by the Eastern Branch Committee of Management by resolution immediately prior to the election)”.**

~~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.~~

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

- (1) Elections shall be held in **2026** ~~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.

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

- ~~(1) See rule 57. 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.~~
- ~~(24) 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.~~

## **13. 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.~~

## **14. 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 ~~2026~~ 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.

### **15. Meetings - Quorums**

- (1) ~~See Rule 50(3)(b) for meetings of the~~ At all meetings of the New South Wales Branch **Eastern 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) **Subject to sub-rules (1), (2) and Rule 50(3)(b),** ~~t~~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.

### **16. Rescissions and Recommittals**

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 recommittal has been resolved by not less than two- thirds of the Members present at the meeting voting in favour of such recommittal.

### **17. 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.

### **18. Definitions- Decisions by Correspondence**

**In this Special Rule, TWU NSW has the same meaning as subrule 16(4) of the substantive Rules.**

- ~~(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~~

~~— NSW and ACT 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.~~

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## Annexure “EM9”

### PARTICULARS OF THE AMENDMENTS TO THE RULES

In these particulars:

- (a) Deletions to the Rules are indicated by a strikethrough
  - (b) Additions to the Rules are indicated by bold and underlined
- 

#### AMEND RULE 5 AS FOLLOWS

- Amend sub-rules 5(1) and 5(2)
- Add a new subrule 5(1A)

#### 5. Applications for Membership

- (1) **Subject to sub-rule 1A, A an** applicant for membership of the Union shall forward or cause to be forwarded to the ~~Branch-State~~ Secretary ~~in of the particular State or territory~~ **forming part of the Branch** 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.

- (1A) **An applicant for membership as a Gig Member, Pilot Member or Cabin Crew Member shall forward or cause to be forwarded to the National Secretary:**

- (a) **an online application form via the Union’s website; or**
- (b) **an application form approved for use by those applicants.**

- (2) Notwithstanding anything contained in sub-rules (1) **and (1A):**

- (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.
- 

#### AMEND RULE 6 AS FOLLOWS

- Amend subrule 6(1)
- Add a new sub-rule 6(2A)

#### 6. Admission

- (1) A person becomes a member immediately upon making an application in accordance with sub-rules ~~rule-5(1)~~ **or 5(1)(A):**

- (2) 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.

**(2A) The National Secretary may reject an application for admission to Membership made under rule 5(1A) if the applicant is of general bad character.**

- (3) In this rule "signing" means making an application in accordance with rule 5.
- 

## AMEND RULE 8 AS FOLLOWS

- Amend sub-rule 8(2), including adding new subrules (a) and (b)
- Add a new subrule 8(2A)
- Amend subrules 8(5)(c), and 6(a)
- Add a new subrule 8(6A)
- Amend subrule 8(9), including amending subrule (a) and adding new subrules (e) and (f)

### 8. Annual Fees

- (1) As from 1 January 2026, the Annual Fee is \$780.60 plus \$78.06 GST, totalling \$858.66.

(1A) The National Committee of Management may prescribe an Alternate Annual Fee for particular classes of Union members from time to time.

- (2) **Subject to sub-rule (2A),** ~~the Annual Fee must be paid by: Members to the Branch in which the Member is enrolled.~~  
**(a) Members to the State Office of the State of the Branch in which the Member resides;**  
**or**  
**(b) Gig, Pilot and Cabin Crew Members to the National Office.**

**(2A) The National Committee of Management may prescribe that the Annual Fee is paid differently to sub-rule 2 for particular classes of Members from time to time.**

- (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~~ **TWU SA/NT constituent State of the Central and Western Branch** - by half the Annual Fee being paid by 28 February, and the other half by 31 August.
- (6) (a) **Subject to sub-rules (2A) and (6A),** ~~a~~ Branch Committee of Management may resolve that the Annual Fee paid by Members ~~to the Branch~~ in accordance with sub-rule (2)(a) 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.

**(6A) (a) Subject to sub-rule (2A), the National Secretary may determine that the Annual Fee Paid by Gig Members, Pilot Members and Cabin Crew Members in accordance with sub-rule (2)(b) is to be paid by instalments, payroll deductions or any appropriate**

method on such terms and conditions as the National Secretary considers appropriate.

(b) The National Secretary's decision under this sub-rule will continue to apply for the Annual Fee in each succeeding year unless rescinded.

(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~~ State Secretary of the State of the Branch in which the Member resides 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~~ sub-rule (a).

(d) Unfinancial Members are not entitled to apply for a refund of the Annual Fee.

(e) Gig Members, Pilot Members and Cabin Crew Members may apply for a refund of the Annual Fee for the current year to the National Secretary by providing full details in writing of the reasons for the refund.

(f) The National Secretary must determine the amount, if any, to be refunded to a Gig Member, Pilot Member or Cabin Crew Member who applies in accordance with subrule (e).

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## AMEND RULE 10 AS FOLLOWS

- Add a new subrule 10(3) and renumber the remaining subrule.

### 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) Subject to rule (3) A an Unfinancial Member becomes a Financial Member immediately upon the relevant ~~Branch~~ State Office of the State of the Branch in which the Member resides receiving payment of all unpaid Dues into its bank account.

(3) An Unfinancial Gig Member, Pilot Members or Cabin Crew Members become a Financial Member immediately upon the National Office receiving payment of all unpaid Dues into its bank account.

(4) An Unfinancial Member has no benefits, privileges or rights whatsoever associated with Membership.

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## AMEND RULE 11 AS FOLLOWS

- Amend subrule 11(1)
- Add new subrules 11(1A) and 11(1B)

### 11. Resignation from Membership

- (1) Subject to sub-rules (1A) and (1B), a A-Member may resign from Membership by notice in writing addressed and delivered to the ~~Branch-State~~ Secretary of the constituent State of the Branch in which the Member resides. ~~is enrolled.~~

**(1A) Gig Members, Pilot Members and Cabin Crew Members may resign from Membership by notice in writing addressed and delivered to the National Secretary.**

**(1B) The National Committee of Management may determine alternate methods for Gig Members, Pilot Members and Cabin Crew Members to resign from Membership.**

### AMEND RULE 12 AS FOLLOWS

- Amend subrule 12(1) and (3)
- Add a new subrule 12(4)

### 12. Transfers

- (1) If a Member changes residence, and wishes to transfer from one Branch to ~~another~~ the other Branch (or to another State within the same Branch), 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 to the other Branch Secretary or the relevant State Secretary, whichever is applicable.

**(4) In this rule, “in writing” means by letter, email, or signed documents in electronic or hardcopy form.**

### AMEND RULE 15 AS FOLLOWS

- Amend sub-rule 15(2)
- Add a new subrule 15(3) and renumber the subrules.
- Amend subrule 15(4), (5) and (6)

### 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~~  
**(a) a Register of Members for Members enrolled in the Branch; and**

**(b) a roll of Membership** recording the Membership number, name, address and date of enrolment of each Member enrolled in that Branch.

**(3) Each State Secretary must keep at the State Office:**

**(a) that part of the Branch's Register of Members for each Member who resides in that State of the Branch; and**

**(b) That part of the Branch's roll of Membership recording the membership number, name, address and date of enrolment of each Member who resides in that State of the Branch.**

(4) The registers and rolls referred to in sub-rules (1) and (2) ~~and (3)~~ must be available for inspection by the **General Manager of the Fair Work Commission** ~~industrial registrar of the principal registry established under the Workplace Relations Act or any person appointed by the~~ **General Manager** ~~registrar.~~

(5) The **Register of Members and** roll of ~~the~~ Members referred to in sub-rules (2) **and (3)** must be made available to the National Secretary on request.

(6) **The part of the Branch's Register of Members and roll of Membership referred to in sub-rule (3) must be made available to the Branch Secretary on request.**

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**AMEND RULE 16 AS FOLLOWS**

- Delete the text of rule 16 and add new sub-rules 16(1) to (5)

**16. Formation and Constitution of Branches ~~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.~~

**(1) To assist National Council to control and manage the Union, a Branch may be constituted in one or more geographical States and Territories.**

**(2) There are currently two Branches of the Union:**

**(a) the "Transport Workers Union of Australia Eastern Branch", (referred to in these rules as the "Eastern Branch"), consisting of all Members residing in New South Wales, Queensland, Victoria, Tasmania and the Australian Capital Territory; and**

**(b) the "Transport Workers' Union of Australia - Central and Western Branch", (referred to in these rules as the "Central and Western Branch"), consisting of all Members residing in, South Australia, the Northern Territory and Western Australia.**

**(3) Each Branch will contain Members residing in certain geographical regions, referred to**

in these Rules as "States."

**(4) The States of the Eastern Branch are:**

- (a) TWU NSW, consisting of all Members residing in New South Wales and the Australian Capital Territory;**
- (b) TWU QLD, consisting of all Members residing in Queensland; and**
- (c) TWU Vic/Tas, consisting of all Members residing in Victoria and Tasmania.**

**(5) The States of the Central and Western Branch are:**

- (a) TWU WA, consisting of all Members residing in Western Australia; and**
- (b) TWU SA/NT, consisting of all Members residing in South Australia and the Northern Territory.**

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**DELETE RULE 17 AND AMEND THE HEADING**

**17. Intentionally Blank 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~~
  - ~~— (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.~~

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## AMEND RULE 18 AS FOLLOWS

- Amend subrule 18

### 18. Membership in a Geographical State or Territory where a Branch is not Constituted

If for any reason a Branch is not constituted in a ~~S~~state or Territory all matters relating to Membership in that geographical Sstate or tTerritory 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".
- 

## AMEND RULE 19 AS FOLLOWS

### 19. Mutual Support

National Council and all Branches (including each State forming part of a Branch) are jointly and severally pledged to, and must, loyally support each other, financially and otherwise, when required, subject to rule 20.

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## AMEND RULE 20 AS FOLLOWS

Amend sub-rules 20(1) and (2)

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

- (1) Any Branch or a State forming part of a 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 **or a State forming part of a Branch** that enters into an industrial dispute without having first obtained the permission of National Council.
- 

## AMEND RULE 21 AS FOLLOWS

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

Any Branch (**or a State forming part of a 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 due Sustentation Fees and Levies **due or owed by the Branch or State of a Branch** are paid.

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## AMEND RULE 22 AS FOLLOWS

- Amend subrule 22(2)
- Amend subrule 22(4)(c) and (c)(i)
- Add new subrules 22(5) and (6) and renumber the sub-rule accordingly.

### 22. Disbanding a Branch

- (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 **16**, 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.
- (4) If National Council acts in accordance with sub-rule (3):
- (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 **subrules 30(2)(a) or 30(2)(b)** ~~paragraph 30(2)(f)~~ until the next ordinary election in the other Branch in the following way:
    - (i) the number of additional members of the Branch Committee of Management under **subrules 30(2)(a) or 30(2)(b)** ~~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 **the number in subrules 30(2)(a) or 30(2)(b)**);
- (5) National Council may at any time resolve to reverse the disbanding of a Branch under sub-rule (1), re-attach Affected Members to the restored Branch and restore the disbanded Branch to the position it was before it was disbanded.**

**(6) If National Council acts in accordance with sub-rule (5) the other Branch is restored to the position it was before the restored Branch was disbanded.**

(7) No action taken by National Council in accordance with sub-rule (1) affects the Membership rights of Affected Members.

(8) 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).

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## **AMEND RULE 22A AS FOLLOWS**

Amend sub-rules 22A(2)(b), (c) and (d)

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

(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 **(including the States forming part of a 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 **(including the States forming part of a 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 **and State Secretary** under Rules 35, 36, 37 ~~37A~~, and sub-rule 40(2) are suspended until the Affected Branch is released from administration.;

(6) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, **reconstitute a Branch under rule 22B, place a State under administration under rule 22(C), and its powers under sub-rule 25(2)(b) and 25(2)(ba)** or exercise its powers under rule 22 **generally**;

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## **ADD A NEW RULE 22B AS FOLLOWS**

### **22B Reconstituting a Branch**

**(1) National Council has the specific power to reconstitute a Branch;**

**(a) which fails to comply with any provision of the Rules regarding a State;**

**(b) which fails to comply with any decision of National Council regarding a State;**

**(c) the Branch Committee of Management, which acts contrary to law regarding a State;**

**(d) the Branch Committee of Management, which fails to carry out its obligations regarding a State;**

- (e) where a State forming part of a Branch;
- (a) fails to comply with any provision of the Rules;
  - (b) fails to comply with any decision of National Council or the Branch Committee of Management;
  - (c) acts contrary to law;
  - (d) fails to carry out its obligations;
  - (e) effectively ceases to function; or
- (f) where the Branch Committee of Management of a Branch resolves to request that the National Council reconstitute the Branch and exercise its power under this sub-rule to attach members residing in a State forming part of that Branch to another State of the Branch or to the other Branch.
- (2) If National Council acts in accordance with sub-rule (1), it must, subject to sub-rules (3) and (4) attach the Affected Members;
- (a) to another State of the Branch; or
  - (b) to the other Branch
- if it is considered, this will provide an appropriate means for the Affected Members to participate in the affairs of the Union and promote its efficient management.
- (3) If National Council acts in accordance with sub-rule (2)(a):
- (a) Members residing in the Affected State are removed from the Register of Members held by that State of the Branch and are attached to another State of the Branch (“Other State”);
  - (b) the funds and property of the Branch in the Affected State must be transferred to the Other State;
- (4) If National Council acts in accordance with sub-rule (2)(b):
- (a) the Affected Members become Members of the other Branch for the purposes of the Rules;
  - (b) the funds and property of the Affected State 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)(a) or 30(2)(b) until the next ordinary election in the other Branch in the following way:
    - (i) A number of additional members of the Branch Committee of Management under paragraph 30(2)(a) or 30(2)(b) must be determined having regard to the relative number of Affected Members in that State 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 the relevant number in subrules 30(2)(a) or 30(2)(b));
    - (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 rules 30 and 60.
- (iv) The additional members of the Branch Committee of Management hold office until the next ordinary election in the other Branch.
- (d) 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 of the Affected State 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) National Council may at any time resolve to reverse a reconstitution of a Branch under sub-rule 1 and restore the Affected State to the position it was before the reconstitution.
- (7) If National Council acts in accordance with sub-rule (6):

  - (a) Affected Members are re-attached to the Reconstituted State and become members of that Branch, (if they were transferred to another Branch under sub-rule 4(a));
  - (b) the funds and property of the Branch transferred under sub-rules 3(b) or 4(b) must be transferred back to the Reconstituted State;
  - (c) additional Branch Committee of Management appointed under sub-rule 4(c) cease to hold office.
  - (d) 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 subrules 30(2)(a) or 30(2)(b) until the next ordinary election in accordance with sub-rule 4(c)(i) to (iv);
  - (e) additional National Councillors appointed under sub-rule (4) cease to hold office; and
  - (f) National Council must temporarily increase the number of persons who are National Councillors of the Branch of the Reconstituted State in accordance with sub-rule 4(d) (i) to (iv).

**(8) Nothing in this rule affects National Council’s powers to disband a Branch under rule 22, place a Branch under administration under rule 22A, place a state under administration under rule 22C, exercise its powers under sub-rule s25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally.**

**(9) In this rule:**

**(i) “Affected Members” means the group of Members of an Affected State before it was reconstituted in accordance with sub-rule (1);**

**(ii) Affected State means the State of a Branch whose members are to be removed immediately before it was reconstituted in accordance with sub-rule (1);**

**(iii) “Reconstitute a Branch” means removing Members residing in a particular State forming part of a Branch and attaching them to another State of that Branch or to the other Branch.**

**(iv) Reconstituted State means an Affected State that is restored under sub-rule 6.**

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## **ADD A NEW RULE 22C AS FOLLOWS**

### **22C. Administration of a State**

**(1) National Council has the specific power to place a State forming part of a Branch under administration for a period of up to twelve months where the State:**

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**(a) fails to comply with any provision of the Rules;**

**(b) fails to comply with any decision of National Council or the Branch Committee of Management;**

**(c) acts contrary to law; or**

**(d) fails to carry out its obligations.**

**(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 placed under administration until the Affected State are suspended until the State is released from administration;**

**(b) Subject to subrule (c), the powers given to the Branch Committee of Management of the Affected State under rule 31 are suspended until the Affected State is released from administration**

**(a) Without limiting sub-rule (2)(a), National Council has all the powers afforded to the Affected Branch under Rule 31 regarding the Affected State until the Affected State is released from administration;**

**(b) Subject to rule (e), the powers given to the Affected Branch President, Vice President, Secretary, Assistant Secretary and State Secretary under Rules 35, 36, 37 37A, and sub-rule 40(2) regarding the Affected State are suspended until the Affected State is released from administration;**

- (c) National Council has all the powers given to the Branch President, Vice President, Secretary, Assistant Secretary, State Secretary and State Assistant Secretary under Rules 35, 36, 37, 37A and 40(2) regarding the Affected State until the Affected State is released from administration;
- (d) Subject to subrule (g), the powers given to the Trustees of the Affected State under rule 38 are suspended until the Affected State is released from administration;
- (e) National Council has all the powers given to the Branch Trustees under Rule 38 regarding the Affected State until the Affected State is released from administration.
- (3) The National Council may exercise the powers afforded to it under sub-rules 22C(2)(a) to (g), in any manner it considers will be in the best interests of TWU members generally and in particular those Members of the Affected State.
- (4) No action taken by National Council in accordance with sub-rules (1) or (2) affects the Membership rights of Members of the Affected Branch.
- (5) Nothing in this rule affects National Council's powers to disband a Branch under rule 22, place a Branch under administration under rule 22A, reconstitute a Branch under rule 22B, sub-rule 25(2)(b) or exercise its powers under sub-rule 25(2)(b) and 25(2)(ba) or exercise its powers under rule 22 generally.
- (6) In this rule:
- (i) "Affected Members" means the Members of an Affected State before it was placed under administration in accordance with sub-rule (1);
- (ii) "Affected State" means the State of a Branch placed under administration in accordance with sub-rule (1).

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## AMEND RULE 23 AS FOLLOWS

- Amend subrules 23(1) and 23(2).

### 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").~~ members of the Eastern Branch residing in the geographical area covered by TWU NSW.
- (2) Nothing contained in Annexure F affects the application of any other Rule to the ~~New South Wales~~ Eastern Branch and to:
- (a) the holders of offices within, and
- (b) the Members of; the Eastern Branch,

~~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.

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## AMEND RULE 24 AS FOLLOWS

- Amend subrule 24(1), including adding a new sub-rule (d) and renumbering the subrules
- Amend sub-rule 24(2), (2)(a), (b) and (c)
- Amend subrules 24(3)(a) and (b)

### 24. National Council

- (1) National Council consists of:
- (a) the National Secretary;
  - (b) the National Assistant Secretary;
  - (c) ~~the each Branch Secretary; of each Branch;~~
  - (d) **each State Secretary;**
  - (e) any additional National Councillors representing a Branch pursuant to sub-rule (2);
  - (f) ~~the TWU NSW Canberra Sub Branch Secretary, and the Gas Industry National Councillor elected in accordance with rule 90(f);~~
  - (g) any additional National Councillors representing a Branch pursuant to paragraph 22(4)(e) **and 22B(4)(c);**
  - (h) a National Councillor residing in the Northern Territory elected directly by members of the **Central and Western Branch who reside in the Northern Territory;** ~~Branch to which the Northern Territory is attached;~~
  - (i) a National Councillor residing in Tasmania elected directly by members of the **Eastern Branch who reside in Tasmania;** ~~Branch to which Tasmania is attached;~~ and
  - (i) a ~~woman female~~ National Councillor representing each ~~Branch~~ **constituent State of a 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, **each State Secretary of the Branch** and any additional National Councillors representing a Branch pursuant to sub-rule 22(4)(e) **or 22B(4)(c)**, each Branch is entitled to **1 additional National Councillor for each State of the Branch and the following number of National Councillors** ~~representation on National Council based on each State's its Effective Membership; by the following number of National Councillors:~~
- (a) from 3,001 Effective Members up to and including 6,000 Effective Members **of a constituent State of the Branch** - 1 additional National Councillor **for that State of the Branch;**
  - (b) from 6,001 Effective Members up to and including 9,000 Effective Members **of a constituent State of the Branch** - 2 additional National Councillors **for that State of the Branch;** and
  - (c) 9,001 Effective Members or more **of a constituent State of the Branch** - 3 additional National Councillors **for that State of the Branch.**

- (3) (a) To help ensure that the National Council is properly appraised of issues confronting ~~females~~ **women 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~~ **woman** from each Branch and one ~~women~~ **woman** from the 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.
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#### **AMEND RULE 25 AS FOLLOWS**

- Amend sub-rules (25(b) and (ba)

##### **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 **and reconstituting** Branches in accordance with rule 22 **and 22B**;
- (ba) placing Branches **and States** under administration in accordance with rule 22A **and 22C**;
- 

#### **AMEND RULE 28 AS FOLLOWS**

- Amend sub-rules (d) and (e).

##### **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,~~ **each Branch Secretary, if not already a member by virtue of being elected to the position of National 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.~~ **each State Secretary, if not already a member by virtue of being elected to the position of National President;**
-

## AMEND RULE 29 AS FOLLOWS

- Amend sub-rule 29(2)(g)
- Add new subrules 29(h) and (ii)

### 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:
    - (g) resolving that, where appropriate, concise financial reports be provided to Members in accordance with ~~Schedule 1B of the Workplace Relations Act 1996~~ **the Fair Work (Registered Organisations) Act** -as amended from time to time.
    - (h) approve out-of-budget expenditure by the National Office.**
    - (i) setting 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.**
- 

## AMEND RULE 30 AS FOLLOWS

- Delete sub-rules 30(2)(a) to (e)
- Add new sub-rules 30(2)(a) and (b)
- Amend sub-rule 30(3)
- Delete the existing subrule 30 (4)
- Add new sub-rules 30(4) to (8)

### 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) not less than 7 and not more than 11 other members.~~
  - (a) for the Eastern Branch: not more than 33 members; and**
  - (b) for the Central and Western Branch: not more than 20 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).~~

**The Branch Committee of Management (BCOM) consists of Members elected by a ballot of**

**the Members enrolled in the Branch who are eligible to vote in accordance with the Rules. The number of BCOM members from each constituent State of a Branch shall be determined by the BCOM based on proportionality and, representational fairness and equity ahead of each quadrennial election after the 2026 quadrennial election. The number of BCOM members for the 2026 quadrennial election is as follows:**

- (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.~~

**Eastern Branch**

**(4) Subject to Annexure F, Members ordinarily residing in New South Wales and the ACT will elect 17 members of the Branch Committee of Management who ordinarily reside in NSW and the ACT to represent the interests of NSW and ACT Members in accordance with Rule 60 and the procedures in Annexure F.**

**(5) Members who ordinarily reside in Queensland will elect 7 members of the Branch Committee of Management who ordinarily reside in Queensland to represent the interests of Queensland Members in accordance with Rule 60;**

**(6) Members who ordinarily reside in Victoria and Tasmania will elect 9 members of the Branch Committee of Management who ordinarily reside in Victoria and Tasmania to represent the interests of Victoria and Tasmanian Members in accordance with Rule 60.**

**Central and Western Branch**

**(7) Members who ordinarily reside in Western Australia will elect 12 members of the Branch Committee of Management who ordinarily reside in Western Australia to represent the interests of Western Australian Members in accordance with Rule 60.**

**(8) Members who ordinarily reside in South Australia and the Northern Territory, 8 members of the Branch Committee of Management who ordinarily reside in South Australia and the Northern Territory to represent the interests of South Australia Members in accordance with rule 60.**

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**AMEND RULE 31 AS FOLLOWS**

- Amend subrule 31(1)
- Delete the text of subrule 31(2)(f) and add new text
- Delete the text of subrule 31(2)(g) and add new text.
- Amend subrule.31(2)(q)

**31. Branch Committee of Management Powers**

- (1) The Branch Committee of Management has control of all business of the Union within the **geographical** ~~States~~ or ~~Territor~~ **territories** 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);~~ **scrutinise the remuneration and other entitlements, including termination and severance payments, of employees of the Union employed across the Branch, including its constituent States;**
- (g) ~~determining whether Organizers are to be elected or appointed;~~ **endorsing out-of-budget expenditure by the Branch and States.**
- (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~~ **the Fair Work (Registered Organisations) Act** as amended from time to time.

## AMEND RULE 32 AS FOLLOWS

- Delete the words “and Vice President” from the heading to Rule 32
- Delete subrule 32(2) and renumber the rule
- Amend the renumbered subrule 32(2)

### **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.

~~(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.~~

(2) 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 **appoint** ~~elect~~ a chairperson to preside whenever required.

### AMEND RULE 33 AS FOLLOWS

- Amend r.33(2)(j)
- Amend subrule 33(2)(l)
- Amend subrule 33(3)(u)

#### 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:
  - (j) keeping a debit and credit account between National Council and each Branch **and its constituent States;**
  - (l) **ensuring that prior to National Council each year,** ~~sending to each Branch and National Councillor in March of each year~~ **receives** the audited statement of income and expenditure together with the audited statement of assets and liabilities;
  - (u) paying any termination or severance payments in accordance with the relevant determination made by the National Committee of Management **or the National Trustees** relating to such payments; and

### AMEND RULE 34 AS FOLLOWS

- Delete the text of the current r34(c)
- Add new text to a new r.34(c)

#### 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;~~  
**to scrutinise and approve out-of-budget expenditure by the National Office.**
    - (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.
- 

### **AMEND RULE 36 AS FOLLOWS**

- Amend subrule 36(1)

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

- (1) Each Branch must have ~~a~~ **at least one** 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.
- 

### **AMEND RULE 37 AS FOLLOWS**

- Add new sub-rules 37(3)(c), (d), (e), (t), (u) and (v).
- Amend subrules 37(3)(l), (m), (n) and (o)
- renumber subrule 37(3) accordingly

#### **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) providing strategic leadership and operational oversight for the Branch**

**(d) overseeing and supervising the State Secretaries;**

**(e) attending media, industry forums and public engagements**

(f) attending all meetings connected with the Branch as far as practicable;

(g) dealing with industrial matters in accordance with rule 69;

(h) answering and filing correspondence;

(i) issuing receipts for all money received by the Branch Secretary;

~~(g) depositing all money received in the Branch's bank account at least weekly;~~

(j) 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;~~

(k) being custodian of the ~~moveable~~ property of the Branch;

(l) ~~being in charge of t~~ **overseeing** the management of the Branch Office **and any State Offices within the Branch;**

(m) being in charge of those employees who work in the Branch Office;

(n) ensuring that, at all times, an appropriate number of persons are employed to assist in carrying out ~~the work of~~ **work across** the Branch;

(o) employing suitably qualified persons at the Branch to assist in carrying out ~~the work of the~~ **across the** Branch;

(p) 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;~~

(q) 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.

(r) paying any termination or severance payments in accordance with the relevant determination made by the Branch Committee of Management relating to such payments; and

(s) 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.

**(t) determining the number of Organisers required by the Branch at any time in accordance with subrule 39(1).**

- (u) keeping the Register of Members of each Member enrolled in the Branch, including the parts of the roll kept by States forming part of the Branch at State Offices.
  - (v) keeping the roll of Membership that records the membership number, name, address and date of enrolment of each Member enrolled in that Branch.
- 

**ADD A NEW RULE 37A AS FOLLOWS**

**37A. State Secretary**

- (1) The powers and functions of each State Secretary include:**
- (a) acting as directed by the Branch Secretary;**
  - (b) performing all functions of the State Secretary described in the Rules;**
  - (c) managing the State Office, including but not limited to overseeing and supervising the day-to-day operations of the office;**
  - (d) managing State Office expenditure that is within the budget set by the Branch Committee of Management;**
  - (e) attending all meetings connected with that State as far as practicable;**
  - (f) dealing with industrial matters in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (g) answering and filing correspondence in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (h) issuing receipts for all money received by the State Secretary in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (i) depositing all money received in the State Office bank account at least weekly in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (j) keeping all documents, books and accounts relating to the business of the Branch in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (k) issuing notices to Members who reside in that State who are in arrears with their Dues in that State in accordance with Branch policies and procedures and any directions given by the Branch Secretary;**
  - (l) ensuring the payment of Sustentation Fees to National Council in accordance with sub-rule 71(2)(a);**
  - (m) subject to the directions of the Branch Secretary, managing Branch employees who work in the State Office;**
  - (n) ensuring (in consultation with the Branch Secretary) that, at all times, an appropriate number of persons are employed to assist in carrying out the work of the Branch in that State;**

- (o) subject to the directions of the Branch Secretary, employing suitably qualified persons to assist in carrying out the work of the Branch in that State;
- (p) subject to the directions of the Branch Secretary, remunerating persons employed in the State.
- (q) subject to the directions of the Branch Secretary, terminating the employment of any persons employed in that State who, in the opinion of the State Secretary:
  - i. do not satisfactorily perform their duties; or
  - ii. are found guilty of serious misconduct; or
  - iii. have abandoned their employment; or
  - iv. are employed in a role which is no longer required to be performed in carrying out the work of the Union.
- (r) subject to the directions of the Branch Secretary, paying any termination or severance payments in accordance with the relevant resolution made by the Branch Committee of Management relating to such payments; and
- (s) reporting any decision made by the State Secretary to employ a person or terminate a person's employment to the Branch Secretary.
- (t) managing the that part of the Register of Members kept by the Branch for Members residing in that State.
- (u) managing the roll of Membership that records the membership number, name, address and date of enrolment of each Member residing in that State.
- (v) keeping bank accounts and funds for that State of the Branch described in the Rules;

#### **AMEND RULE 38 AS FOLLOWS**

- Amend subrule 38(1)
- Add a new subrule 38(2)(f)

#### **38. Branch Trustees**

- (1) Each Branch must have ~~at least 2 Branch Trustees.~~ **one Branch Trustee for each constituent State of the Branch.**
- (2) The powers and functions of the Branch Trustees are:
  - (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; **and**
  - (f) to scrutinise expenditure and approve out-of-budget expenditure by the Branch or a State forming part of the Branch.**

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**AMEND RULE 39 AS FOLLOWS**

Amend r.39(2)(b)

**39. Branch Organizers**

- (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 or the State Secretary.

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**AMEND RULE 40 AS FOLLOWS**

- amend subrule 40(1)
- delete the existing subrules 40(2)(b) and 40(2)(c)
- add a new subrule 40(2)(b)
- 

**40. Branch Officers**

- (1) Each Branch must ~~may~~ have 1 or more of the Branch Officers referred to in sub-rules (2)(a) and (b) 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~~

- (b) State Assistant Secretary:

- (i) to assist the State Secretary;
- (ii) when the State Secretary is absent, to perform the duties of the State Secretary; and

**(iii) at all times, to act subject to the control and direction, in order of precedence, of:**

**(A) the Branch Secretary; and**

**(B) the State Secretary.**

~~— (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.~~

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### **AMEND RULE 46 AS FOLLOWS**

- Amend subrule 46(2)(a)

#### **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) **80%** a majority of National Councillors, or
  - (b) 2 or more Branch Committees of Management,

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### **AMEND RULE 49 AS FOLLOWS:**

- Amend subrule 49(a)

#### **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 **may** be held every year at a time and place to be determined by the Branch Committee of Management;

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### **AMEND RULE 50 AS FOLLOWS**

- Amend subrule 50(1)(b)
- Amend subrule 50(3) and add new subrules (a) and (b)

## 50. Quorum

- (1) (a) At meetings of National Council, **a** 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 **constituent State 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, 3 ~~4~~ members of the National Committee of Management form a quorum.
  - (3) At meetings of a Branch Committee of Management, the following number of 8 members of the **relevant** Branch Committee of Management form a quorum:-
    - (a) 12 members of the Central and Western Branch Committee of Management, subject to at least 50% of the members representing each State being present; and**
    - (b) 20 members of the Eastern Branch Committee of Management, subject to at least 50% of the members representing each State being present.**
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## AMEND RULE 53 AS FOLLOWS

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- Amend subrule 53(1)(c)
- Add new sub-rule 53(1)(d) and renumber the subrule accordingly
- Delete the existing subrule 53(3) and renumber the subrule
- Amend subrule 53(4) of the renumbered subrule
- Add a new subrule 53(5) to the renumbered subrule

## 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 **Secretary** is entitled to ~~at least~~ 1 vote;
  - (d) Each constituent State of a Branch is entitled to 1 vote:**
  - (e)      If the number of Effective Members of a **constituent State of a** Branch exceeds 1,000, the **State Branch** is entitled to 1 additional vote for each additional 1,000 Effective Members or part thereof.;

- (f) Subject to paragraph (g), the total number of votes to which a **constituent State of a** Branch is entitled must be allocated equally amongst the National Councillors representing ~~that the Branch State~~ (including the ~~Branch relevant State~~ Secretary) who are present at the meeting or who have indicated to the National President that they intend voting in the ballot;
- (g) If the votes cannot be allocated equally in accordance with paragraph (f), the remaining vote or votes must be distributed first to the ~~Branch relevant State~~ Secretary and then in the order the National Councillors were elected;
- (h) A National Councillor elected pursuant to Rule 24(1)(g), Rule 24(1)(h) or Rule 24(1)(i) is entitled to one vote; and
- (i) The **TWU NSW** Canberra Sub-Branch Secretary ~~and the Gas Industry National Councillor elected in accordance with Rule 90(f) and provided for in Rule 24(1)(fe)~~ shall be entitled to one vote.
- (j) 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) **Each Branch Secretary is entitled to 1 vote; and** ~~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) **The National President is entitled to 1 vote (unless they are a Branch Secretary, in which case their entitlement to votes is determined by sub-paragraph (ii)).** ~~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~~
- ~~\_\_\_\_\_ (c) \_\_\_\_\_ the result of the vote;~~
- ~~\_\_\_\_\_ must be recorded in the minutes.~~
- (3) 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.

(4) ~~Subject to sub-rule (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.

**(5) All decisions and ballots of the Central and Western Branch Committee of Management require a minimum of 75% of the votes to pass.**

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#### AMEND RULE 54 AS FOLLOWS

- Amend the title
- Amend subrule 54(2)
- Add new sub-rules 54(7) and 54(8)
- Renumber the rule accordingly

#### 54. Decisions by Postal or Electronic 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 **or electronic** 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), **(7)** 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 person responsible for the conduct of the ballot, where it is practicable to do so, may utilise an electronic balloting system as an alternative to the paper balloting system.**
- (8) An electronic balloting system to be utilised under sub-rule (7) must provide:**
  - (a) for the security of a ballot to the same extent that these rules provide; and**
  - (b) that each committee member entitled to vote in the ballot is given the opportunity to vote.**
- (9)** 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).

- (10)** 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.
- 

#### **AMEND RULE 57 AS FOLLOWS**

- Add new sub-rules 57(1)(b)(ii)(D), 57(1)(b)(ii)(F) and renumber subrule 57(1)(b) accordingly
- Amend new subrule 57(1)(b)(ii)(G) of the renumbered subrule
- Delete the text of subrule 57(2)(b) and delete subrule (2)(g).
- Delete subrule 2(b) and renumber the subrule
- Amend subrule 57(2)(e) of the renumbered subrule
- Amend subrules 57(2A), 2(B) and 2(C).
- Delete the reference to the electing inaugural Pilot Councillor in subrule 57(3).
- Amend subrule 57(4)
- Add new subrules 57(4B) and (4C)
- Amend subrule 57(5)

#### **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 State Secretary,**
    - (E) a Branch Assistant Secretary,
    - (F) **a State Assistant Secretary, or a Branch Industrial Research Officer**
    - (G) ~~an~~ **employed** Organizer. ~~(whether elected or appointed).~~
- (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,~~

- (b) the National Secretary,
- (c) a Branch President,
- (d) a Branch Secretary, or
- (e) **a State Secretary,** ~~a Branch Industrial Research Officer,~~
- ~~(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 **National Assistant Secretary,**~~ Branch Assistant Secretary **or State 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),<sub>2</sub> 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 continuous 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 **an** 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) **Subject to sub-rules (4A), 4B), and 4(C),** ~~A~~ 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.

**(4B) A person may nominate for both the position of Branch Secretary and State Secretary within the same Branch, even if each such position carries with it a full-time salary. However, if the person is elected to both positions, they shall be paid only the salary associated with one position.**

**(4C) A person may nominate for both the position of Branch Assistant Secretary and State Secretary or State Assistant Secretary within the same Branch, even if each such position carries with it a full-time salary. However, if the person is elected to both positions, they shall be paid only the salary associated with one position.**

- (5) **Unless otherwise provided in the Rules, a** 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.

### AMEND RULE 58 AS FOLLOWS

- Deleted the reference to National Vice President
- Amend subrule (1)(b)
- Delete subrule (1)(c)

•  
**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, **and**
  - (b) **3 National Trustees.** ~~the National Vice President, and~~
  - ~~(c) 3 National Trustees.~~

### AMEND RULE 59 AS FOLLOWS

- Amend subrule subrules 59(1), (2a),(3), (4), (16) and (18).

**59. Election of National Secretary**

- (1) National Council must appoint a National Returning Officer in accordance with rule 66:
  - (a) by 1 September, **2026** ~~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 **2026** ~~2010;~~ and
  - (b) the third Tuesday of August every four years thereafter.
- (3) Nominations open at noon on:
  - (a) the second ~~Tuesday~~ **Monday** of September **2026** ~~2010;~~ and

(b) the second ~~Tuesday~~ **Monday** of September every four years ~~thereafter.~~ ~~thereof.~~

(4) Nominations close at noon on:

(a) ~~the first Tuesday of October 2010~~ **eighteen [18] days after nominations open**; and

(b) ~~the first Tuesday of October~~ **eighteen [18] days after nominations open** every four years thereafter.

**provided if that day is a public holiday in the place where nominations have been called nominations will close the following day.**

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.

(16) The poll must open at noon on:

(a) the second Monday of November **2026** ~~2010~~; and

(b) the Second Monday of November every four years thereafter.

(18) The poll must close at noon:

(a) eighteen [18] days after it opens in **2026** ~~2010~~; and

(b) eighteen [18] days after it opens every four years thereafter.

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## **AMEND RULE 59A AS FOLLOWS**

- Amend subrule 59A(4)(a)

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

(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, **2027** ~~2011~~; and

(b) 10 January every four years thereafter.

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## **AMEND RULE 59B AS FOLLOWS**

Amend subrule 53B(1)(b)(i)

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

(1)

(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 ~~2027~~ 2023; and
  - (b) 10 January every four years thereafter.
- 

## AMEND RULE 60 AS FOLLOWS

- Amend r.60(1)(a)
- Delete subrules 60(2)(a) to (i).
- Renumber the existing subrule 60(2)(f) as 60(2)(a) and amend the subrule
- Renumber the existing 60(2)(f) as 60(2)(b)
- Add a new subrule 60(2A)
- Amend subrules 60(3)(a) and (b)
- Amend subrules (6)(4)(a) and (b)
- Amend subrule 60(5A) and (5A)(a)
- Amend subrule 60(5E)
- Amend subrule.60(5H)(a)
- Amend subrule.60(6)(b)
- Amend subrule.60(16)(a)
- Amend subrule.60(24)(a)

### 60. Branch Elections

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer in accordance with rule 67 by:

- (a) 1 September, ~~2026~~ 2010; and
- (b) 1 September every four years thereafter.

- (2) The Branch Returning Officer must **cause an election notice to be published calling** ~~call~~ for nominations for elections to the positions of:

- (a)** persons who are members of the Branch Committee of Management in accordance with ~~paragraph sub-rules 30(2)(f);~~ **to 30(8);**
- (b)** National Councillor or Councillors (if any) to which a Branch is entitled in accordance with Rule 24(1);

~~— (a) — Branch President;~~

~~— (b) — Branch Vice President;~~

~~— (c) — Branch Secretary;~~

~~— (d) — Branch Assistant Secretary (where required);~~

~~— (e) — 2 Branch Trustees;~~

~~— (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.~~

**(2A) the election notice must be published as follows:**

**(a) the Branch Returning Officer shall facilitate the publication of an election notice on the AEC website; and**

**(b) the Union shall publish the election notice produced by the Branch Returning Officer on the Union's website;**

(3a) The roll of voters is to close at 5pm on:

(a) the third Tuesday of August ~~2026~~ 2010; and

(b) the third Tuesday of August every four years thereafter.

(3b) Nominations must open at noon on:

(a) the second ~~Tuesday~~ **Monday** of September ~~2026~~ 2010; and

(b) the second ~~Tuesday~~ **Monday** of September every four years thereafter.

(4) Nominations must close at noon on:

(a) ~~the first Tuesday of October 2010;~~ **eighteen [18] days after nominations open,** and

(b) ~~the first Tuesday of October~~ **eighteen [18] days after nominations opens** every four years thereafter.

**provided if that day is a public holiday in the place where nominations have been called nominations will close the following day.**

(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 **and a named Team Leader**;

(a) approach the ~~candidate for Branch Secretary~~ **Team Leader** 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 **in the Branch (including positions in its constituent States)** for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.

(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~~ **Team Leader** (or **another member of Team Nomination if the Team Leader**) ~~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.
- (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:
- (b) in the case of a Team Nomination, notify the ~~candidate for Branch Secretary~~ **Team Leader** 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.
- (16) The poll must open at noon on:
- (a) the second Monday of November **2026** ~~2010~~; and
  - (b) the second Monday of November every four years thereafter.
- (18) The poll must close at noon:
- (a) eighteen [18] days after it opens in **2026** ~~2010~~; and
  - (b) eighteen [18] days after it opens every four years thereafter.
- (24) Persons declared elected to the positions referred to in sub-rule (2) take office on:
- (a) 10 January, **2027** ~~2011~~; and
  - (b) 10 January every four years thereafter,
- and the retiring persons continue to hold office in the meantime.

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## **ADD NEW RULE 60A AS FOLLOWS**

### **60A. Election of the Officers of the Branch Committee of Management**

- (1) Subject to Annexure F, within twenty-eight days of 10 January 2027 and 10 January of every fourth year after that, each Branch Committee of Management (“BCOM”) will meet and elect by and from the members thereof the following Officers:**
- (a) the Branch Secretary**
  - (b) the Branch President;**
  - (c) one or two Branch Vice- Presidents (the number to be determined by the Branch Committee of Management by resolution immediately prior to the election);**
  - (d) the Branch Assistant Secretary**
  - (e) a State Secretary for each State from Members representing that State within the Branch;**

- (f) State Assistant Secretaries for, one for each State from Members representing that State; and
- (g) One Branch Trustee for each State within the Branch).
- (2) The Branch Returning Officer shall call for nominations at the first session of the meeting immediately after the number of Branch Vice Presidents to be elected has been determined.
- (3) Subject to subrule (4), any member of the BCOM may nominate any other BCOM 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.
- (4) A candidate for State Secretary or State Assistant Secretary must be nominated by members of the BCOM as follows:
- (a) only members of the BCOM who represent the interests of NSW and ACT Members can nominate a candidate for TWU NSW State Secretary or State Assistant Secretary.
- (b) only members of the BCOM who represent the interests of Queensland Members can nominate a candidate for TWU QLD State Secretary or State Assistant Secretary.
- (c) only members of the BCOM who represent the interests of the Victorian and Tasmanian Members can nominate a candidate for TWU Vic/Tas State Secretary or State Assistant Secretary.
- (d) only members of the BCOM who represent the interests of South Australian and Northern Territory Members can nominate a candidate for TWU SA/NT State Secretary or State Assistant Secretary.
- (e) only members of the BCOM who represent the interests of Western Australian Members can nominate a candidate for the TWU WA State Secretary or State Assistant Secretary.
- (5) In the event of an election being necessary, the Returning Officer shall conduct such an election by secret ballot.
- (6) If all members of the BCOM are present, the Returning Officer will give each member of the BCOM a ballot paper on which to record a vote, and the ballot paper must be returned to the Branch Returning Officer.
- (7) After members have voted, the Returning Officer will, together with such scrutineers as candidates may have appointed, count the votes and declare elected the members who receive the greatest number of votes.
- (8) All candidates elected take office at the conclusion of the BCOM meeting at which the election was held.
- (9) If not all members of the BCOM are present, the Returning Officer will send each member of the BCOM a ballot paper by priority-paid mail, along with a stamped envelope addressed to the Returning Officer. Such ballot paper and stamped addressed envelope shall be posted not later than the next day on which the Branch Office is opened for business after receiving the nominations.
- (10) 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. Only ballot papers returned to the Branch Returning Officer before the close of the poll may be included in the ballot.

- (11) 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.**
- (12) A candidate may, at the time of nomination, appoint in writing to the Branch Returning Officer a scrutineer.**
- (13) A candidate may, at any time, by writing to the National Returning Officer, change a previously appointed scrutineer.**
- (14) 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.**
- (15) The 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.**
- (16) If a candidate fails to remedy a defect in accordance with sub-rule (3), the Branch Returning Officer must reject the nomination.**
- (17) Holders of the positions referred to in sub-rule (1) hold office until their successors have been elected at the first meeting of the Branch Committee of Management following each subsequent election of members of the Branch Committee of Management.**
- 

#### **AMEND RULE 61 AS FOLLOWS**

- Amend the Title
- Delete subrule 61(b) and renumber the subrule.

#### **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 ~~or;~~
- ~~(b) the National Vice President, or~~
- (b)** 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.

## AMEND RULE 63 AS FOLLOWS

- Delete subrules 63(1)(h) and (i)
- Add a new subrules 63(1)(e) and (f) and renumber the subrule.
- Amend subrule 63(1)(h) of the renumbered subrule
- Add new subrules (63(3)(i) and (ii) and (3)(baa).
- Add a new subrule 63(4) and renumber the remaining subrules.
- Amend subrule 63(4)

### 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) State Secretary;**

**(f) State Assistant Secretary**

**(g) 2-Branch Trustees;**

**(h) persons who are members of the Branch Committee of Management in accordance with paragraph ~~subrules 30(2) to 30(8)(f);~~**

**(i) 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 of:

**(i) persons who are members of the Branch Committee of Management in accordance with subrules 30(2) to 30(8);**

**(ii) National Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;**

must be conducted in accordance with rule ~~60~~ 62, except that:

(ba) a Team Nomination is not allowed;

**(baa) only Members residing in the geographical location in sub-rules 30(2) to 30(8) relevant to the vacant position on the Branch Committee of Management may participate in the election;**

(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) 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 of:**

**i. Branch President;**

**ii. Branch Vice-President;**

**iii. Branch Secretary;**

**iv. Branch Assistant Secretary;**

**v. State Secretary;**

**vi. State Assistant Secretary; and**

**vii. Branch Trustee.**

**must be conducted in accordance with rule 60(A) except that:**

**(c) the Branch Committee of Management must set alternative dates to those described in sub-rule 60A;**

**(d) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and**

**(e) the election must be completed within 4 months of the casual vacancy occurring.**

**(5)** 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.

- (6) 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.
- (7) 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.~~
- (8) Rule 24(1)(h) will become operational as from the first scheduled election after this rule is Certified by the **Fair Work Commission, Industrial Registrar.**
- 

#### **AMEND RULE 66 AS FOLLOWS**

- Amend subrule 66(1)
- Amend subrule 66(3)

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

- (1) National Council must appoint a National Returning Officer by:
- (a) 1 September, ~~2010~~ **2026**; 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 **subject to s.182(1) of the Fair Work (Registered Organisations) Act.**
- 

#### **AMEND RULE 67 AS FOLLOWS**

- Amend subrule 67(1)
- Amend subrule 67(3)

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

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer by:
- (a) 1 September, ~~2010~~ **2026**; 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 **subject to s.182(1) of the Fair Work (Registered Organisations) Act.**
- 

#### **AMEND RULE 71 AS FOLLOWS**

- Amend subrules 71(1) and 71(c)(ii)

## 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:
    - (b) Instruments, including certified agreements or enterprise flexibility agreements referred to in the **Fair Work Act**, ~~Workplace Relations Act~~ relating to proceedings in the **Fair Work Commission** ~~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.
- 

## AMEND RULE 72 AS FOLLOWS

- Amend subrule 72(2)(a) and (b)
- Add a new subrule 72(c) renumber the rule accordingly
- Amend subrule 72(3)

## 72 Funds

- (1) The Union may raise funds through the collection by Branches of Members' Dues, and by other means.
- (2)
  - (a) Each ~~State Branch~~ Secretary must, **on behalf of the Branch to which the State belongs,** pay to the National Council ~~from the respective Branch General Fund Sustentation Fees each for 2013 and each subsequent year,~~ an amount equal to 17.64% of the income received as Annual Fees **from Members residing in that constituent State of the Branch** 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 **the constituent State of the Branch.** ~~Branches.~~
  - (c) **Each State Secretary must notify their Branch Secretary in writing that the State paid the Sustentation Fee referred to in paragraph (a) to the National Council and the amount of the fee within 7 days of the payment**
  - (d)** 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 **or State Secretary** not to make payments of Sustentation Fees due to National Council in accordance with this rule.

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## AMEND RULE 80 AS FOLLOWS

- Amend subrule 80(1) and subrule 80(3)

### 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 **Fair Work (Registered Organisations) Act**. ~~Workplace Relations Act.~~
- (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 **Fair Work (Registered Organisations) Act**. ~~Workplace Relations Act.~~

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## AMEND RULE 81AS FOLLOWS

- Amend subrules 81(1)(g) and (h).
- Add a new subrule 81(1)(i)
- Amend subrule 81(2)(b)

### 81. Inspection of Financial Accounts

- (1) Subject to sub-rules (2) and (4), a Financial Member has the right to inspect:

(g) a ~~roll of the Membership~~ **Register of Members** kept by National Council, ~~or~~

(h) a ~~roll of the Membership~~ **Register of Members** kept by a Branch, ~~or~~

**(i) the part of a Branch's Register of Members kept by a composite State of the Branch.**

at any reasonable time.

- (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), (h) or **(i)** - from the relevant Branch President.

## AMEND RULE 85 AS FOLLOWS

- Amend subrule 85(2)(b)
- Delete the text of subrule 85(4)(a) and replace it with new text.
- Amend rule 85(4)(c)
- Amend subrule 85(5)

### 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), **by a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution.**
  - (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 in accordance with a resolution passed by at least 80% of the votes cast by Councillors entitled to vote on the resolution;** ~~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~~ **each** 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 **Fair Work (Registered Organisations) Act** ~~Workplace Relations Act~~, the Rules may be amended by a resolution of National Council or the National Committee of Management without any other requirement.
- 

## DELETE RULE 90 AND AMEND AS FOLLOWS

- Delete the text of Rule 90 and amend the heading.

### 90. **Intentionally Blank 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.~~

~~— (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.~~

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.~~

~~———— (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.~~

~~— (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.~~

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## AMEND RULE 92AS FOLLOWS

- Amend subrules 92(bb), 92(cc), 92(dd)
- Amend subrules 92(nn) and (oo)
- Add a new subrule ~~92(aa3) and~~ 92(aa4) and 92(aa5)

### 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:

(bb) "~~o~~**Office**" has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009

(cc) "~~o~~**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~~ **Fair Work Commission** in accordance with the ~~Workplace Relations Act~~ **Fair Work (Registered Organisations) Act 2009, as amended from time to time;**

(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.

(nn) "Union" means Transport Workers' Union of Australia, an organization Registered in accordance with the ~~Workplace Relations Act~~ **Fair Work (Registered Organisations) Act 2009, Workplace Relations Act;** and

(oo) "~~o~~**Fair Work (Registered Organisations) Act**" "~~o~~**Workplace Relations Act**" means the ~~Commonwealth Workplace Relations Act 1996~~ **Fair Work (Registered Organisations) Act 2009 (Cwth)** or any legislation which replaces it.

**(aa3) "State" means the designated geographical region of a Branch where Members of the Branch reside.**

**(aa4) "State Office" means the designated physical or virtual environment within a State where administrative, financial, and managerial activities are conducted to support the core operations of a state or territory of a State.**

**(aa5) "Register of Members" means the register of members required to be kept under s.230(1)(a) of the Fair Work Registered Organisations Act.**

**AMEND RULE 95 AS FOLLOWS**

- Delete the text of Rule 95, add new text, and amend the title

**95. Transitional Rule - Continuity**

**(1) In this rule, the words in column A have the meaning assigned in column B:**

<u>A</u>	<u>B</u>
<u>Certification Day</u>	<u>The day on which this transitional rule is certified by the Fair Work Commission.</u>
<u>Transition Day</u>	<u>10 January 2027, or the date the persons declared elected to an Office in the 2026 quadrennial election take that Office, whichever is later.</u>
<u>Existing Branches</u>	<u>The NSW/Qld/ Vic Tas (Interim Governance) Branch, South Australian/Northern Territory Branch and Western Australian Branch as they were on the day before the Certification Day.</u>
<u>Office</u>	<u>Has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act.</u>
<u>Office Holder</u>	<u>A person who holds an Office, including persons performing duties as a designated officer under Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act.</u>
<u>Incumbent Office Holder</u>	<u>A person elected or appointed under these Rules to an Office and holding that Office on the day before the Certification Day including but not limited to</u> <ul style="list-style-type: none"> <li>• <u>National Council;</u></li> <li>• <u>National Committee of Management;</u></li> <li>• <u>Finance Committee of National Council;</u></li> <li>• <u>National Trustees;</u></li> <li>• <u>National President and Vice President;</u></li> <li>• <u>National Secretary and National Assistant Secretary;</u></li> <li>• <u>Existing Branch Presidents and Vice Presidents;</u></li> <li>• <u>Existing Branch Committees of Management;</u></li> <li>• <u>Existing Branch Trustees;</u></li> <li>• <u>Existing Branch Secretaries and Branch Assistant Secretaries; and</u></li> <li>• <u>Persons holding office in NSW and the ACT under Annexure F.</u></li> </ul>
<u>2026 Election</u>	<u>The 2026 quadrennial elections held under rules 58, 59, 59A, 60 and 60A.</u>
<u>Former Rules</u>	<u>The Rules of the Transport Workers Union of Australia as at the day before the Certification Day.</u>

**(2) The purpose of this transitional rule is to ensure continuity of the administration of the Union during the period between the Certification Day and the Transition Day.**

**(3) This rule:**

- (a) will commence to operate on, and from, the Certification Day;**
- (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) shall cease to have an effect on the Transition Day.**

**(4) The Existing Branches will continue to exist and operate until the Transition Day so far as it is necessary for the proper and efficient administration of the Union in the period from the Certification Day to the Transition Day.**

**(5) Incumbent Office Holders will, until the Transition Day, continue to:**

- (a) hold their Office;**
- (b) exercise the powers given to them under the Former Rules, including, but not limited to, the powers given to the Existing Branch Branch Presidents, Vice Presidents, Branch Trustees, Branch Secretaries, and Branch Assistant Secretaries under Rules 35, 36, 37, 38 and 40(2).**

**(6) In the period between the Certification Day and the Transition Day:**

- (a) Applications for membership under rule 5(1)(a) are made to the Existing Branch Secretary.**
- (b) Annual Fees or Alternate Annual Fees due under sub-rule 8(2)(a) are paid to the relevant Existing Branch;**
- (c) Subrule 8(5)(c) of the Former Rules will apply to payment of the Annual Fee for the purpose of Rule 8;**
- (d) Subrule 8(9)(a) of the Former Rules will apply to applications by Members for a refund of the Annual Fee;**
- (e) Subrule 10(2) of the Former Rules will apply to Unfinancial Members;**
- (f) Sub-rule 11(1) of the Former Rules shall apply to resignation from Membership.**
- (g) Sub-rule 72(a) of the Former Rules will apply to the payment of General Fund Sustainment Fees.**
- (h) Casual vacancies in Branch and Sub-Branch positions will be filled in accordance with Rule 63 of the Former Rules; and**
- (i) Rule 96 of the Former Rules will apply in relation to Workplace Delegates.**

~~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.~~

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## AMEND RULE 96 AS FOLLOWS

- Amend subrules 96(4) to 96(8)
- Amend subrules 94(12) to 94(17)
- Amend subrules 94(23) and 92(24)

### 96. Workplace Delegates

#### Election and appointment of workplace delegates

- (4) The ~~State Branch~~ Secretary (or their nominee) of the constituent States in each Branch of the Union where the workplaces, enterprises or businesses are located (“Relevant ~~Branch~~State”) will, after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval ~~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-State~~ Secretary (or their nominee) of the Relevant ~~Branch-State~~ will, after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval, determine the number of workplace delegates for a particular workplace (s), enterprise(s) or business(es) in that State.
- (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 located in that State, Branch Officer or other person nominated by the ~~Branch-State~~ Secretary of the Relevant ~~Branch-State~~ (or their nominee).
- (7) The ~~Branch-State~~ Secretary of the Relevant ~~Branch-State~~ may, after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval ~~at their absolute discretion~~, determine not to endorse the election of a workplace delegate. In the event the ~~Branch-State~~ 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-State~~ Secretary of the Relevant ~~Branch-State~~ may, after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval ~~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- State~~ in a form and manner deemed appropriate by the ~~Relevant Branch~~.

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

- (12) The ~~Branch-State~~ Secretary (or their nominee) of the Relevant State of a Branch will, after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval, ~~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-State~~ Secretary of the Relevant ~~Branch-State~~ (or their nominee) where the workplaces, enterprises, or businesses are located will, at after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval ~~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 located in that State, Branch Officer or other person nominated by the ~~Branch-State~~ Secretary of the Relevant State (or their nominee).
- (15) The ~~Branch-State~~ Secretary of the Relevant ~~Branch-State~~ may, after consultation with the Branch Secretary, and subject to the Branch Secretary’s approval ~~at their absolute discretion~~, determine not to endorse the election of a co-delegate. In the event the ~~Branch State~~ 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~~State Secretary of the Relevant ~~Branch~~State may, **after consultation with the Branch Secretary, and subject to the Branch Secretary's approval** ~~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~~State in a form and manner deemed appropriate by the Relevant Branch.

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

- (23) A delegate or co-delegate must produce, at the request of the ~~Branch~~State Secretary of the Relevant ~~Branch~~State (or their nominee), a report about matters specified by the Branch Secretary **or the State Secretary** (or their nominee).

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

- (24) **After consultation with the Branch Secretary, and subject to the Branch Secretary's approval.** ~~The Branch~~ **a State** Secretary may determine to remove a workplace delegate or co-delegate from their position if the ~~Branch~~State 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.

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### **AMEND ANNEXURE F AS FOLLOWS**

- Amend the heading of Annexure F
- Amend subrule 1(1)
- Amend subrules 3(a) to (c)
- Amend the heading of rule 7
- Delete the text of rule 7.
- Delete the text of subrule 7(1)
- Add a new subrule 7(1)
- Amend subrule 7(2)
- Amend subrules 8(1), (2) and (3)
- Amend the heading of subrule 9
- Delete the text of rule 9 and add new text
- Amend the heading and text of rule 10. Add new subrules 10(1) and 10(2)
- Delete rule 11 and renumber the remaining subrules accordingly
- Renumber existing rule 12 as rule 11 and amend the renumbered rule
- Renumber existing rule 13 as rule 12, delete the existing text and add new text in the renumbered rule
- Renumber existing rule 14 as rule 13
- Delete existing rules 15 and 16
- Renumber existing rule 17 as rule 14 and amend renumbered subrule 14(1)

- Renumber existing rule 18 as rule 15 and amend renumbered subrules 15(1) and 15(3)
- Renumber existing rule 19 as rule 16
- Renumber existing rule 20 as rule 17
- Delete existing rule 21
- Add a new rule 18.

## **ANNEXURE F - SPECIAL RULE - NEW SOUTH WALES and ACT MEMBERS 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 State Secretary of the ~~New South Wales Branch~~ TWU NSW. 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~~ TWU NSW State Secretary must pay from the ~~New South Wales Branch~~ TWU NSW (State) of the Eastern Branch to National Council sustentation fees for 2027~~43~~ 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~~ Eastern Branch that reside in NSW or the ACT.
- (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~~ 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 TWU NSW (State) of the ~~he New South Wales Branch of the Union~~ Eastern Branch 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 and ACT Members of the Eastern Branch Committee of Management ~~New South Wales Branch Committee of Management~~

#### (1) Subject to Rules 30, 60A, and subrule (2), the NSW and ACT members of the Eastern Branch Committee of Management shall determine the number of Committee members to be representative of the Sub-Branches ahead of each quadrennial election.

~~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) Subject to Rules 30 and 60A, the number of Committee members to be representative of the Sub-Branches for the 2026 quadrennial election is as follows: ~~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 **TWU NSW (State) of the Eastern Branch** ~~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 **NSW and ACT members of the Eastern 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 **NSW and ACT members of the Eastern Branch Committee of Management** 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-Branches 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 ~~Committee members~~ **members** ~~men~~ to be determined by the **NSW and ACT members of the Eastern Branch Committee of Management**. The maximum number of ~~Committee members~~ **members** ~~men~~ 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 NSW and ACT members of the Eastern Branch Committee of Management** **Committeemen and Branch Secretary-Treasurer**

- (1) See Rules 30 and 60 of the substantive Rules and rule 7 of Annexure F.**
- (2) Only Members enrolled in the Sub Branch otherwise eligible shall be entitled to nominate and vote.**

~~(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 NSW and ACT Eastern Branch Officers**

- (1) Subject to sub-rule (2), see Rule 60A**

**(2) Subrule 60A(1)(f) is replace with:**

**“One or two TWU NSW State Assistant Secretaries (the number to be determined by the Eastern Branch Committee of Management by resolution immediately prior to the election)”.**

~~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.~~

**11. Election of Members of Sub-Branch Executive Committee**

- (1) Elections shall be held in ~~2026~~ 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.

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

- ~~(1) See rule 57. 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.~~
- (24) 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.

## **13. 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.~~

#### **14. 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 ~~2026~~ 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.

#### **15. Meetings - Quorums**

- (1) ~~See Rule 50(3)(b) for meetings of the At all meetings of the New South Wales Branch Eastern 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) **Subject to sub-rules (1), (2) and Rule 50(3)(b),** ~~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.

#### **16. Rescissions and Recommittals**

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 recommittal has been resolved by not less than two- thirds of the Members present at the meeting voting in favour of such recommittal.

#### **17. 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.

#### **18. Definitions - Decisions by Correspondence**

**In this Special Rule, TWU NSW has the same meaning as subrule 16(4) of the substantive Rules.**

- ~~(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~~
- ~~— NSW and ACT 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.~~
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