125V: Incorporates alterations 20/02/2015 [R2015/11]

(replaces rulebook dated 31/7/2014 [R2014/136] version)

 **Textile, Clothing and Footwear Union of Australia**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009

that the pages herein numbered 1 to 62 both inclusive contain a true and correct copy

of the registered rules of the Textile, Clothing and Footwear Union of Australia

 DELEGATE OF THE GENERAL MANAGER

 FAIR WORK COMMISSION

Rules of the

Textile, Clothing and Footwear Union of Australia

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# PART I - THE UNION

## 1 - NAME

The name of the organisation shall be the "Textile, Clothing and Footwear Union of Australia" (hereinafter referred to as "the Union").

## 2 - OBJECTS

The objects of the Union are and shall be:

(a) to watch over, improve, foster and protect the interests of its members;

(b) to uphold the rights of combination of labour for trade or industrial purposes;

(c) to obtain and maintain for its members by all lawful means reasonable hours of work, fair wages and industrial conditions and to establish a thorough system of apprenticeship and training;

(d) to improve the social and economic position of its members by all lawful means;

(e) to render pecuniary and other assistance in repelling any infringement or attempted infringement of its members' rights and privileges;

(f) to assist kindred Unions;

(g) to assist in the movement for socialisation of the means of production, distribution and exchange;

(h) to acquire direct representation of Labour in Federal and State Parliaments;

(i) to establish and maintain Labour journals;

(j) to do all things conducive to the welfare and organisation of the working class;

(k) to protect and secure to any member all the rights, privileges and concessions held or enjoyed by such member, or to which such member may be entitled;

(l) to foster co-operation and inculcate harmonious relations between members;

(m) to assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries;

(n) to secure preference in employment to members;

(o) to assist financial members or the families of financial members in distress;

(p) to provide legal and other assistance for the conduct of negotiations or proceedings for the attainment of any of these objects;

(q) to provide a mortality fund or funds for the benefit of the nominees or next of kin of deceased members of the Union;

(r) to provide funds from donations, fines, fees, levies and dues and from interest on capital from which payments may be made for the purposes of any of these objects;

(s) to invest funds in securities or projects authorised by law for the investment of trust funds;

(t) to support co-operative ventures generally;

(u) to formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business or profession for the concession to the members of the Union of any special rights, privileges and advantages and in particular with regard to the supply of goods or services;

(v) to establish and maintain clubs and holiday homes for the benefit of members and their families;

(w) to purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings or easements for any purpose connected with the conduct of the Union and its Branches;

(x) to borrow or raise or secure the payment of money in such manner as the Union or a Branch may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union or a Branch in any way and to redeem or pay off any such securities;

(y) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union or a Branch;

(z) to co-operate, affiliate or amalgamate with or absorb any organisation or association which has objects similar to the objects of the Union; and

(aa) to undertake and do all such acts matters and things as may be incidental or conducive to the attainment of the above objects or any of them.

## 3 - INDUSTRY

The industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 4.

## 4 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

The Union shall consist of:

(a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-

 textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;

(b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:

(i) infants' nappies;

(ii) table and sanitary napkins;

(iii) facial and toilet tissue;

(iv) tampons;

(v) mats, towels and absorbent cloths, pads and wipers;

(vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;

(c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.

(d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.

(e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:

(i) any male or female garment;

(ii) any article of wearing apparel whatsoever, made from material of any description;

(iii) any article of neckwear;

(iv) handkerchiefs;

(v) any fashion accessory whatsoever.

(f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.

(g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.

(h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;

(i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:

1. any of the articles referred to in any other part of this rule;

(ii) artificial flowers.

(j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.

(k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;

(l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever ‘fitters’ are termed in the future), wholly or partly engaged or usually engaged in or in connection with:

(i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.

(ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.

(iii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.

(m) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.

(n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.

## 5 - REGISTERED OFFICE

(a) The principal registered office of the Union shall be at 359 Exhibition Street, Melbourne, Victoria or such other place as the National Council may from time to time determine. The Union may also maintain an office at Ground Floor, 28 Anglo Road, Campsie, New South Wales or such other place as the National Council may from time to time determine.

(b) The office of each Branch shall be at such place as may from time to time be determined by the Committee of the Branch.

# PART II - MEMBERSHIP

## 6 - ADMISSION TO MEMBERSHIP

(a) An applicant for Membership shall forward or cause to be forwarded to the Secretary of the Branch in the State, Territory or area in which the Member resides an application in such form as the National Council from time to time determines.

(b) An applicant for membership of the Union shall be informed in writing of:­-

 (i) the financial obligations arising from membership of the Union; and,

 (ii) the circumstances, and the manner, in which a member of the Union may resign from the Union.

(c) Unless such application is referred to the Committee of the Branch for enquiry as hereinafter provided, the applicant shall be and be deemed to be a member of the Union from the date of the receipt of the applicant's application by the Secretary of the Branch.

(d) The Secretary of the Branch shall have power to refer any application for membership to the Committee of the Branch for enquiry, and such Committee shall thereupon enquire into the application and advise the Secretary of its decision to admit the applicant to Membership or to refuse the application.

(e) The Secretary shall:

 (i) advise the applicant that the application has been referred to the Committee of the Branch for enquiry; and

 (ii) advise such applicant of the decision of the Committee to whom the application was referred.

(f) If such Committee decides to admit such applicant to membership of the Union, the applicant shall be and be deemed to be a Member as from the date the advice of such decision is sent the applicant.

(g) If such Committee decides to refuse any such application, the applicant shall forthwith be notified of such refusal and may by notice in writing appeal against such decision to the meeting of the National Council to be held next after the date of such notification. The decision of the National Council on such appeal shall be final and the applicant shall be given notice thereof.

(h) If the National Council admits the applicant to Membership of the Union, the applicant shall be and be deemed to be a Member as from the date of its decision.

(i) On and from 1st July 1992, all persons who, on the day immediately preceding 1st July 1992, were Members of the A.F.T.W.U. and the C.A.T.U. shall be and become and be treated as Members of the Union and of the appropriate Section and Branch of the Union and the membership of such Member in the A.F.T.W.U. or the C.A.T.U. shall be counted as membership of the Union for all purposes of these Rules.

## 7 - CONTRIBUTIONS

(a) Each member shall pay to the Union such contributions as may be determined from time to time by the National Council.

(b) Subject to clause (h) of this Rule, contributions shall be payable in such periodic manner as may be determined from time to time by the Committee of a Branch.

(c) Any member paying contributions yearly in advance shall receive a rebate of up to 10% of the contribution as determined by the National Council, but in no other case shall a member who pays contributions in advance be entitled to have the amount so paid or any part thereof refunded for any cause whatsoever.

(d) All fines, fees, levies, or contributions shall be paid to the Secretary of the Branch or an agent duly authorised by such Secretary in writing for that purpose.

(e) Where contributions are paid quarterly in advance, any person becoming a member during the currency of the quarter shall pay contributions only for the unexpired portion of the quarter, on the following basis:

 One thirteenth of the current quarter's contributions multiplied by the number of weeks in the unexpired portion of such quarter.

(f) Any member whose contributions are paid or payable quarterly in advance and who is financial may, if unemployed for more than a quarter, apply in writing to the Branch Secretary for exemption from contributions during the period of the member's unemployment. The Committee of the Branch may allow such exemption for any period of more than a quarter.

(g) The Committee of any Branch is hereby empowered, upon application by the member concerned, to cancel the whole or any part of any member's arrears of contributions.

(h) Notwithstanding anything contained in these Rules:-

 (i) The National Executive or a Committee of a Branch may make arrangements with an employer whereby with the authority of any member or members of the Union contributions payable to the Union are to be deducted by the employer from the wage or wages of the member or members on a regular basis and paid to the Union;

 (ii) a member who has authorised such deduction of the member's contribution to the Union from the member's wage shall be subject to the provisions of paragraph (iii) of this clause, be deemed to be a financial member of the Union for so long as such authority remains in force and provided that such member owes no arrears of contributions fees or levies;

 (iii) where an arrangement referred to in this clause is terminated by the employer or the National Executive or the Committee of the Branch, the National Secretary or the Branch Secretary (as the case may be) may notify in writing any member affected by such termination and a member so notified shall thereupon become liable to pay and shall, within twenty-eight days from the date of such written notice, pay to the Union the balance of any subscription owing for the relevant year (which amount shall be specified in such notice and shall be the amount of the annual subscription payable by the member for that year less such amount or amounts as has or have been deducted by the employer from that member's salary in respect of such annual subscription) and thereafter shall be liable to pay subscriptions in accordance with this Rule.

## 8 - LEVIES

(a) The National Council or the National Executive may from time to time strike a levy or levies on either the whole of the membership of the Union or any part thereof specified in the resolution striking the levy.

(b) Any Branch of the Union may from time to time strike a levy or levies on the members of that Branch for the purposes of that Branch. The amount so struck shall be the property of that Branch and shall be a first charge on any moneys paid by members of that Branch.

(c) Any levy struck under this Rule shall be payable within fourteen days of the date on which the levy or any instalment thereof is declared to be payable in the resolution striking the same.

(d) No levy struck under this Rule shall be payable by any member whose earnings are less than $70.00 per week.

## 9 - UNFINANCIAL

(a) Any member, who owes an amount for fines, fees, levies or contributions which exceeds an amount equivalent to one quarter's contribution payable by such member, shall be unfinancial.

(b) An unfinancial member shall not:

 (i) be eligible to be a candidate for any office in the Union or any Branch;

 (ii) be eligible to hold any office in the Union or any Branch;

 (iii) be entitled to attend or vote at any meeting of the Union or of any Branch;

 (iv) be eligible to vote in any ballot;

 (v) be entitled to any benefit provided by the Union or any Branch.

(c) Any member whose fines, fees, levies and/or dues are in arrears of an amount exceeding $20.00 may be called before the Committee of the Branch to which the member is attached and, unless the member shows cause to the satisfaction of that Committee that such arrears have accumulated for some reason beyond the member's control, may be fined by such Committee an amount not exceeding the amount of the member's arrears.

## 10 - RECOVERY OF CONTRIBUTIONS

(a) The National Secretary and each Branch Secretary is hereby authorised to conduct proceedings for the recovery of contributions, fees, fines and/or levies payable to the Union or Branch thereof as the case may be.

(b) Any of the abovenamed Officers may authorise any other person (who need not be an Officer or Member of the Union) to sue for and recover any contributions, fees, fines and/or levies due to the Union or a Branch thereof as the case may be.

(c) Any contributions, fees, fines and/or levies payable but not paid by a former member of the Union, in relation to a period before the member's resignation from the organisation took effect, may be sued for and recovered in the name of the Union as a debt due to the Union.

## 11 - LIFE MEMBERSHIP

(a) The National Council may confer life membership of the Union on any member or members who in the opinion of the National Council or the Committee of a Branch has or have rendered special or outstanding service to the Union or any Branch thereof.

(b) A life member shall not be liable for payment of any fees dues or levies provided that:

 (i) a life member shall not be eligible to be a candidate for any office in the Union or a Branch unless such life member complies, as if he or she were an ordinary member, in all respects with the requirements prescribed by these Rules for eligibility for election to the relevant office and, as at the date of nomination, is either employed in the industries of the Union or the holder of an office in the Union or in the Branch concerned;

 (ii) a life member shall not be eligible to hold any office in the Union or any Branch unless such life member continues to pay fees, dues and levies as they fall due as if he or she were an ordinary member;

 (iii) such life member shall be eligible to be appointed to any of the positions specified in the Rule 77 of these Rules;

 (iv) a life member may attend general meetings of any Branch and may speak thereat, but, unless such life member is a member of that Branch, he or she shall not be entitled to vote at such meeting.

(c) Any person who, on the day immediately preceding the 1st July 1992, was a life member of the A.F.T.W.U. or of the C.A.T.U. shall, as from the 1st July 1992, be and be deemed to be a life member of the Union for all purposes.

## 12 - TERMINATION OF MEMBERSHIP

(a) Membership of a member of the Union shall be terminated:

 (i) by resignation in accordance with these Rules,

 (ii) by expulsion in accordance with these Rules,

 (iii) by death of the member, or

 (iv) subject to Rule 15, by the member's ceasing for a period of not less than six months to be employed in any of the industries of the Union other than by being elected or appointed to an office in the Union or any Branch.

(b) A member may resign from membership of the Union by notice in writing addressed and delivered to the Secretary of the member's Branch.

(c) A notice of resignation from membership of the Union shall take effect:­

 (i) where the member ceases to be eligible to become a member of the Union -

 (a) on the day upon which the notice is received by the Union, or

 (b) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member,

 whichever is the later; or

 (ii) in any other case -

 (a) at the end of two weeks after the notice is received by the Union, or

 (b) on the day specified in the notice,

 whichever is the later.

(d) Any dues payable but not paid by a former member of the Union in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the organisation.

(e) A notice delivered to the Secretary of the member's Branch shall be taken to have been received by the Union when it was delivered.

(f) A notice of resignation that has been received by the Union shall not be invalid because it was not addressed and delivered in accordance with paragraph (b) of this Rule.

(g) A resignation from membership of the Union shall be valid even if it is not effected in accordance with the foregoing provisions of this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

(h) Notwithstanding the foregoing provisions of this Rule:-

 (i) when any member ceases to be eligible to become a member of the Union and does not desire to resign from membership of the Union but desires to be exempt from the payment of further contributions, such member shall, upon written application to the Branch to which the member is attached and upon payment of all contributions fees, fines and levies owing by the member to the Union, be given a clearance signed by the Secretary of that Branch and thereupon the membership of that member shall be deemed to be suspended; and,

 (ii) if such member then becomes eligible to become a member of the Union, such member shall be deemed to have become a member as from the date upon which the member last became eligible to become a member of the Union

## 13 - MISCONDUCT OF MEMBERS

(a) If any member of the Union is charged in writing by another member of the Union with:­-

 (i) deliberately divulging any of the confidential business of the Union to someone not entitled to know the same;

 (ii) refusing to obey any of the Union Rules;

 (iii) refusing knowingly to obey a resolution carried at any meeting of the National Council or the National Executive or the Committee of the Branch to which the member is attached;

 (iv) defrauding or attempting to defraud the Union;

 (v) making a false charge against a fellow member; or,

 (vi) violating the terms of any industrial award or agreement or entering into any agreement with any employer or any Officer thereof, contrary to the provision of any award or agreement secured by the Union and applicable to the member and such charge is delivered to the President or the Secretary of his or her Branch, the member charged may be summoned to a special meeting of the Committee of that Branch, when, should he or she so desire, he or she shall be allied to give an explanation of his or her conduct. If the member charged fails to attend the meeting, the matter may be dealt with in the member's absence.

(b) The member so charged shall be given at least fourteen days' notice in writing of the meeting at which the charge is to be considered and full particulars of the charge made against such member.

(c) The intention of the Branch Committee to consider the matter of a charge of misconduct against a member shall be stated in the notice convening the meeting. A member unable to attend the meeting may send a written explanation within fourteen days of the date of the notice convening the meeting.

(d) A member so charged, who fails at such meeting to give a satisfactory explanation or if unable to attend the meeting fails to tender a satisfactory written explanation within fourteen days of the date of the notice convening the meeting concerning the charge, may be cautioned or be fined a sum not exceeding $50.00 or be suspended from membership for a period not exceeding twelve months or be expelled from the Union provided:-

 (i) the decision to caution, fine, suspend or expel the member must be carried by a two-thirds majority of the persons voting on such resolution; and

 (ii) a decision to expel a member under this Rule by the Branch Committee shall not become effective unless and until it be confirmed by a two-thirds majority of the financial members voting on such resolution at a general meeting of the Branch to which such member is attached called for the purpose of considering such a resolution.

(e) Notice of intention to deal with a member under these Rules at such a general meeting shall be notified in an official publication of the Union, or by a circular to be placed upon notice boards in each factory by shop stewards of the Branch to which the member charged is attached, and the purpose of the meeting at which the matter is to be dealt with shall be stated in such notice.

(f) The member whose conduct is under consideration shall be notified to attend such meeting and may at such meeting give such explanation as the member may desire why action should not be taken under the Rule. Should such member fail to attend the meeting, the matter may be dealt with in the member's absence, provided that a member unable to attend the meeting may tender a written explanation within fourteen days of the date of the notice convening the meeting.

(g) (i) Any member, after being notified of that member's expulsion by resolution of the Branch, may, on making a written application to the Branch Secretary within one month of the Branch Meeting confirming the expulsion, apply to the National Executive to review the Branch decision.

 (ii) The Branch Committee and the member may submit such representations in writing as they see fit to National Executive, which shall consider the matter at its next ordinary meeting, and decide the same.

 (iii) The decision of National Executive on such an appeal shall be final.

(h) Any member who has been expelled from the Union shall cease to be a member thereof, and shall not be re-admitted to membership within twelve months of such expulsion, and shall only be re-admitted with the consent of the National Executive.

## 14 - RECORD OF MEMBERS

Each Branch Secretary shall keep and maintain or cause to be kept and maintained the following lists: -

(a) a list of members of the Branch (herein referred to as the "register of members of the Branch") showing their postal addresses from time to time, and

(b) a list of the names, postal addresses and occupations of the Committee of the Branch, the officers of the Branch and every person holding property in which the Branch has a beneficial interest.

## 15 - PURGING THE REGISTER

(a) The Secretary of each Branch shall have power to remove from the register of members of the Branch the names of all members who:­

 (i) are six months in arrears; or,

 (ii) have resigned or received a clearance or otherwise left the Branch; or,

 (iii) any member who has ceased for a period of not less than six months to be employed in any of the industries of the Union; or,

 (iv) any member whose membership has otherwise terminated or been terminated by or in accordance with these Rules.

(b) A Branch Secretary shall not exercise the powers conferred by clause (a) (i) or clause (a) (ii) of this Rule unless-

 (i) he or she gives the member concerned one month's written notice of his or her intention to do so, and

 (ii) where the member concerned, within that month, submits in writing grounds for his or her name not being so removed from the register of members, the Branch Committee approves such removal.

## 16 - UNEMPLOYED REGISTER

The Secretary of each Branch shall keep a book called the "Unemployed Register" in which the Secretary, at the written request of any member who leaves his or her employment and who is not immediately reemployed, shall enter the name and address of such member.

Any member whose name has been entered in the Register shall notify the member's Branch Secretary immediately upon obtaining employment and in default of so doing shall be liable to be fined by the Branch Committee a sum not exceeding $2.00.

## 17 - TRANSFERS

(a) Any member ceasing work in an establishment covered by a Branch and commencing work in an establishment covered by another Branch shall in accordance with this Rule be entitled to transfer to the Branch which covers the establishment in which the member is working.

(b) Such member may apply to the Secretary of the Branch to which the member is attached for a transfer to the Branch which covers the establishment in which the member has commenced to work and, on payment of all arrears of fines, fees, levies or dues owing to such first-mentioned Branch shall be given a clearance card signed by the Secretary of that Branch.

(c) The member obtaining such clearance card shall, within two months of obtaining the same, present it to the Secretary of the Branch which covers the establishment in which the member is working.

(d) Every member who changes his or her place of employment shall notify the Secretary of the Branch to which the member is attached within 14 days of such change.

## 18 - CHANGE OF ADDRESS

Any member changing his or her postal address shall report such change to the Secretary of the Branch within fourteen days of such change.

# PART III - UNION

## 19 - STRUCTURE OF THE UNION

(a) The Union shall be divided into Branches and the following Branches shall be recognised as having been constituted:-Victorian Queensland Western Australian Branch and New South Wales South Australian Tasmanian Branch.

(b) The National Council shall have the power to -

 (i) alter the area embraced by any Branch with the consent of that Branch and any other Branch concerned, and,

 (ii) amalgamate any Branch with another with the consent of the Branches concerned, and

 (iii) constitute a new Branch or Branches in or within any State or Territory with the consent of any existing Branch concerned provided that where the National Council constitutes a new Branch within any State or Territory as part of an agreement with another Union in the course of or for the purposes of achieving an amalgamation of the Union and that other Union, the consent of any Branch or Branches within that State or Territory shall not be required.

(c) Members of the Union in States other than Western Australia, Queensland, South Australia and Tasmania shall be attached to the Branch in the State in which they reside. Members of the union in New South Wales, South Australia and Tasmania shall be attached to the New South Wales South Australian Tasmanian Branch. Members of the Union in Victoria, Queensland and Western Australia shall be attached to the Victorian Queensland Western Australian Branch.

(d) For the purposes of these Rules, any member resident in the Australian Capital Territory or the Northern Territory shall be deemed to be resident in the states of New South Wales and South Australia respectively.

## 20 - MANAGEMENT OF THE UNION

 The management of the Union shall be vested in:­

(a) a National Council;

(b) a National Executive;

(c) Branch General Meetings;

(d) Branch Committees.

# PART IV - NATIONAL MANAGEMENT

## 21 - COMPOSITION OF NATIONAL COUNCIL

(a) The National Council shall consist of :-

 (i) the National Secretary;

 (ii) the Secretary of each Branch (who shall be and act as a National Councillor representing that Branch);

 (iii) the Assistant Secretary of each Branch (who shall be and act as a National Councillor or National Councillors representing that Branch); and,

 (iv) any extra National Councillor(s) representing a Branch to which such Branch is entitled pursuant to clause (b) of this Rule.

(b) Subject to subrule (d) hereof, each Branch shall be entitled to representation on the National Council on the following basis:-

|  |  |  |
| --- | --- | --- |
| No. of financial members |  | No. of National Councillors |
| 1 - 1000 |  | 1 |
| 1001 - 3000 |  | 2 |
| 3001 - 5000 |  | 3 |
| 5001 - 7000 |  | 4 |
| 7001 - 9000 |  | 5 |
| 9001 - 11000 |  | 6 |
| 11001 - 13000 |  | 7 |
| 13001 - 15000 |  | 8 |
| 15001 - l9000 |  | 9 |
| 19001 - 23000 |  | 10 |
| 23001 - 27000 |  | 11 |
| 27001 - 31000 |  | 12 |

and thereafter on the basis of one extra National Councillor for each 4000 financial members or part thereof. Each Branch Secretary and each Branch Assistant Secretary shall, by virtue of holding office as Branch Secretary or Branch Assistant Secretary, be one of the Branch's delegates to the National Council.

(c) For the purposes of this Rule, the financial membership of a Branch shall be the financial membership of that Branch as at 31st March in the year in which an ordinary election of extra National Councillors is to be held.

(d) If at any time the holder of the office of National Secretary is also the holder of one of the offices of a Branch referred to in (a)(ii) or (a)(iii) hereof (“the dual offices circumstance”), then the number of extra National Councillors to which that Branch is entitled by operation of subrule (b) hereof shall be increased by one, for the duration of the term of the extra National Councillors in which the dual offices circumstance arose.

## 22 - POWERS OF NATIONAL COUNCIL

(a) In addition to any powers otherwise conferred upon it by these Rules, the National Council of the Union shall be the supreme governing body of the Union and shall have the management and control of the Union.

(b) All decisions of the National Council shall be final and binding and shall remain in force unless and until amended, varied or rescinded at a subsequent meeting of the National Council or in accordance with Rules 27, 36 or 72.

## 23 - MEETINGS OF NATIONAL COUNCIL

(a) The National Council shall meet at least once in every calendar year.

(b) Upon the written request of two Branches or upon resolution of the National Executive or upon written request of six delegates to the National Council authorised by their respective Branches to do so, the National Secretary, or in the case of default by that officer for seven days, the National President or a National Vice-President shall call a special meeting of the National Council. Any such request or resolution shall specify the business to be submitted to such special meeting.

(c) At any other time, meetings of the National Council may be called by the National President and the National Secretary.

(d) At all meetings of the National Council, a quorum shall be one half of the members eligible to attend the meeting, provided that both Branches are represented.

(e) The National Secretary shall give each member of the National Council at least fourteen days' notice of each meeting of the National Council provided that the National President and National Secretary may determine that a lesser amount of notice be given.

## 24 - AGENDA PAPER FOR NATIONAL COUNCIL MEETINGS

(a) The National Secretary shall notify each Branch of the date of the meeting of the National Council other than special meetings at least three months before that date, and, at the same time, ask each Branch to submit matters and questions to be dealt with by the National Council at such meeting.

(b) All such matters and questions shall be submitted in writing to the National Secretary at least six weeks before the date of such meeting. The National Secretary shall thereupon prepare an Agenda Paper for such meeting and shall submit the same to the Branches for consideration at least twenty-eight days before the date of such meeting.

(c) After the annual meeting of the National Council has been opened and credentials dealt with, the National Council shall appoint an Agenda Committee which shall prepare and set forth the order of business from the questions and matters submitted by the National Executive and Branches.

(d) Further items which have been dealt with and submitted by a Branch may be submitted by it to the National President during any meeting of the National Council but shall not be placed on the Agenda Paper except by resolution of the National Council.

## 25 - OFFICERS OF THE UNION

The Officers of the Union shall be the National President, the National Senior Vice-President, and the National Secretary.

## 26 - COMPOSITION OF NATIONAL EXECUTIVE

The National Executive of the Union shall consist of the Officers of the Union and the National Trustees.

## 27 - POWERS OF NATIONAL EXECUTIVE

(a) Between meetings of the National Council of the Union, the National Executive shall, subject to these Rules and any decisions of the National Council, have the powers of the National Council and shall conduct and manage the affairs of the Union.

(b) Notwithstanding the provisions of clause (a) of this Rule, the National Executive shall not have the power to decide any matter inconsistent with any binding resolution of the National Council or inconsistent with the policy of the Union as determined by the National Council and all decisions of the National Executive shall be subject to review by the National Council.

## 28 - MEETINGS OF NATIONAL EXECUTIVE

(a) The National Executive shall meet at least half yearly and at such other times as may be deemed necessary by the National President and/or National Secretary.

(b) At all meetings of the National Executive, a quorum shall be one half of the members eligible to attend the meeting.

(c) The National Secretary shall give each member of the National Executive at least fourteen days' notice of each meeting of the National Executive, provided that the National Secretary after consultation with the National President may give such lesser notice as is deemed necessary.

## 29 - POWERS AND DUTIES OF THE OFFICERS AND THE TRUSTEES OF THE UNION

(a) National President

 The National President of the Union shall be the recognised head of the Union and shall:­

 (i) preside at meetings of the National Council and the National Executive and upon confirmation of the minutes sign them in the presence of the meeting confirming the same;

 (ii) sign all documents requiring the National President's signature;

 (iii) when required by resolution of a Branch or a Branch Committee, give an authoritative interpretation of any of these Rules; and,

 (iv) be ex-officio a member of any Committee or sub-committee of the National Council.

(b) National Vice-Presidents

 (i) In the absence of the National President from any meeting of the National Council or the National Executive, the National Senior Vice-President shall preside over such meeting.

 (ii) In the absence from any such meeting of the National President and the National Senior Vice-President, those present shall select one of their number to preside over such meeting.

(c) National Secretary

 The National Secretary of the Union shall:-

 (i) call and attend unless excused, all meetings of the National Council and the National Executive and keep or cause to be kept the minutes of all such meetings;

 (ii) arrange and organise the conduct of the business and correspondence of the Union;

 (iii) receive all moneys and pay the same to the credit of the Union in such bank, building society, credit union or other financial institution as the National Council or the National Executive may from time to time decide;

 (iv) issue receipts for all moneys received on behalf of the Union;

 (v) keep or cause to be kept in appropriate books of account a correct statement of all moneys received and expended by or on behalf of the National Council and the National Executive;

 (vi) have custody of the bank books and produce them for inspection at all reasonable times when requested by the National President, the National Council or the National Executive;

 (vii) prepare and submit to a meeting of the National Executive at least every six months an up-to-date financial statement and when called upon so to do by the National Executive produce all relevant books in support of the same;

 (viii) prepare annually Balance Sheets and Statements of Accounts for submission to the National Council and the National Executive;

 (ix) assist the National Auditor and furnish such person with all such information regarding the financial affairs of the Union as the National Secretary may have;

 (x) keep or cause to be kept a list of the names, postal addresses and occupations of the members of the National Council and National Executive and of the Officers of the Union and a list of the Branches showing the name under which each is carried on, the location of its office and the names of its officers;

 (xi) keep or cause to be kept the records required to be kept pursuant to the provisions of the Fair Work Laws;

 (xii) lodge and file with and furnish to the General Manager all such documents as are required to be lodged, filed or furnished under the said Fair Work Laws at the prescribed times and in the prescribed manner;

 (xiii) have the right to speak at any general or special meeting of any Branch or Branch Committee but not to vote unless he or she is a member of such Branch or Branch Committee;

 (xiv) subject to any direction of the National Council or National Executive, appoint, engage, control and dismiss such clerical and other staff as may be necessary for the conduct of the affairs of the Union;

 (xv) represent the Union at all conferences and other meetings which he or she is required to attend on its behalf;

 (xvi) co-ordinate, as far as possible, the work between the Branches and establish uniformity in administration of agreements or awards;

 (xvii) have power to submit any question of a legal nature to the Union's legal representatives for opinion (and in the event of his or her doing so, he or she shall supply the National Council and each Branch with a copy of the question so submitted and the answer received);

 (xviii) inspect, if he or she considers it expedient or desirable, all books and other documents in connection with the conduct of any Branch and, if he or she considers that the affairs of any Branch are not being conducted in a proper manner, have power to report to the National Council or the National Executive and to suggest to it or them any measure he or she considers should be taken to ensure the proper conduct of the affairs of the Branch (and any measures decided upon by the National Council or the National Executive shall be communicated to the Branch concerned and the Branch shall comply therewith);

 (xix) have power to require the President of any Branch to call a special meeting of the Branch Committee or of the members of the Branch and to require any Officer of a Branch to render him or her such assistance and to supply him or her with such information as he or she may require (and any such President and any such Officer shall comply with any such requirement);

 (xx) have power to require at any time and from time to time a special audit to be held for and/or by a Branch; and

 (xxi) carry out such other duties as the National Council or the National Executive of the Union may from time to time direct.

(d) National Trustees

 (i) The National Trustees shall be responsible for the safe custody of the National Seal of the Union and for the safe custody of the securities, documents and funds of the Union. The securities and documents of the Union shall be deposited by the National Secretary in the name of the National Trustees in such bank, building society, credit union or other financial institution as the National Council or the National Executive may from time to time decide and the funds of the Union shall be deposited by the National Secretary in such bank, building society, credit union or other financial institution as the National Council or the National Executive may from time to time decide in the following name: Textile, Clothing and Footwear Union of Australia National Council - General Account.

 (ii) The National Trustees shall act only on a resolution of the National Council or National Executive certified under the hands of the National President and National Secretary.

 (iii) The National Trustees shall, subject to the direction of the National Council, have control of the property of the Union and shall invest any accumulated funds in such securities as trustees are authorised by law to use for the investment of trust moneys.

 (iv) All cheques for the withdrawal of money from accounts of the Union shall be signed by either of the National Trustees and the National Secretary.

## 30 - NATIONAL ELECTIONS

(a) Tenure of Office

 (i) The National Secretary shall be elected by secret postal ballot of all financial members of the Union, shall take office from the completion of the term of office of the person replaced or from the date of declaration of election (whichever is the later) and shall hold office for a period of four years or until a successor thereto has been elected and takes office.

 (ii) (deleted)

 (iii) All other Officers of the Union and the National Trustees shall be elected by secret ballot of the members of the National Council, shall each take office from the completion of the annual meeting of the National Council at which they are elected and shall each hold office for a period of four years or until a successor thereto has been elected and takes office.

(b) Qualifications for Office

 Any nominee for any office specified in this Rule shall as at the date of nomination be a financial member of the Union and a member of the National Council.

(c) Returning Officer

 Any Returning Officer appointed pursuant to this Rule: -

 (i) may or may not be a member of the Union; and

 (ii) shall not be the holder of any office in or an employee of the Union or any Branch of the Union.

(d) Conduct of Elections (National Secretary)

 (i) Not less than four months prior to the completion of the current term of office of the National Secretary, the National Executive shall appoint a Returning Officer to conduct an election for the office and such Returning Officer shall have absolute control of the election.

 (ii) The Returning Officer shall -

 (a) fix a date for the closing of nominations, being a date not less than three months prior to the completion of the current term of the office, and

 (b) not less than two weeks before the date fixed for the closing of nominations, call for nominations by circular to be placed upon notice boards in each factory by shop stewards or by advertisement in a daily newspaper or newspapers circulating throughout a state or territory in which the Union has members.

 (iii) Nominations shall be in writing, shall be signed by the nominee and shall be delivered to the Returning Officer at the registered office of the Union not later than 12 noon on the date fixed by the Returning Officer for the closing of nominations.

 (iv) The Returning Officer shall -

 (a) check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply, provided that in the event of finding a defect in any nomination the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect, and, where it is practicable, give the person the opportunity to correct the defect within seven days of having been so notified;

 (b) if there be no more than one nomination for a position declare the nominated person elected to the position;

 (ba) ensure that the names and addresses of members who are entitled under these rules to vote in an election shall form the roll of voters for the election. The Returning Officer shall prepare a roll of voters who, on the seventh day before the date determined for the opening of nominations, are entitled to vote in the election;

 (c) if more nominations than one are received for the position, have ballot papers printed containing the names of the candidates for the position in order as drawn by lot indicating the number to be elected to the appropriate position, the manner in which votes shall be recorded and the date and time of closing of the ballot, which date shall be not less than two weeks prior to the completion of the current term of the appropriate office;

 (d) be responsible for the safe custody of the ballot papers;

 (e) obtain from the printer a certificate of the number of ballot papers printed;

 (f) initial every ballot paper prior to its distribution;

 (g) forward by prepaid post a ballot paper, a prepaid or business reply paid envelope addressed to the Returning Officer and a declaration envelope for the return of the vote to each member entitled to receive a ballot paper. The declaration envelope and prepaid envelope shall be in the form prescribed by the Fair Work Laws;

 (h) arrange for the use of a post office box or other receptacle to which ballot papers may be returned;

 (i) at the time fixed for the closing of the ballot, collect the ballot papers as returned and, in the presence of the scrutineers (if so requested), count all the votes cast and subject to sub-paragraph (j) of this paragraph declare the result of the ballot;

 (j) in the event of a tie occurring, determine the result by drawing lots in the presence of the tied candidates, provided that if one of the tied candidates is a retiring office-holder from the position the subject of the ballot, then such candidate shall be declared elected; and

 (k) report the result of the election to the next following annual meeting of the National Council or the next following meeting of the National Executive (whichever is the earlier) and submit to the meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.

(e) Conduct of Elections - All Other Officers and National Trustees.

 (i) The National Council shall, at the annual meeting at which elections are to be held, appoint a Returning officer to conduct the elections for National President, National Senior Vice-President and two (2) National Trustees.

 (ii) The Returning Officer shall conduct elections for the said positions at the same meeting and shall have absolute control of such elections.

 (iii) The elections shall be conducted in the following order:

 National President, National Senior Vice-President and National Trustees; and any one unsuccessful candidate in one election may, if otherwise qualified, be a candidate at any subsequent election.

 (iv) The Returning Officer shall call for nominations for the relevant office and any nomination shall be in writing and shall be signed by the nominee (who at the date of nomination shall be a member of the National Council).

 (v) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of finding a defect in any nomination the Returning Officer shall before rejecting the nomination notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect as soon as possible after the closing of the nominations.

 (vi) The Returning Officer shall:

 (a) if there be no more nominations than there are vacancies for a position, declare the nominated person or persons elected to the position;

 (b) if more nominations are received than there are vacancies for a position, have ballot papers printed containing the names of the candidates for each position in order as drawn by lot indicating the number to be elected to each position and the manner in which votes shall be recorded;

 (c) be responsible for the safe custody of the ballot papers;

 (d) initial every ballot paper prior to the distribution;

 (e) issue a ballot paper to each member of the National Council present at such meeting and, where a member is not present at such meeting, an additional ballot paper to such other member of the National Council as is appointed by that member to exercise that member's vote in the ballot;

 (f) at the time fixed for the closing of the ballot, in the presence of the scrutineers (if so requested), count all the votes and subject to sub-paragraph (g) of this paragraph declare the result of the ballot;

 (g) in the event of a tie occurring, determine the result by drawing lots in the presence of the tied candidates or their scrutineers, provided that if one of the tied candidates is a retiring office-holder from the position subject of the ballot then such candidate shall be declared elected; and

 (h) report the result of the election to the annual meeting of the National Council at which the election is conducted and submit to that meeting a full report of the ballot indicating the number distributed, the number on hand and any other relevant matters.

(f) Scrutineers

 Any candidate may appoint a scrutineer who is a member of the Union to represent the candidate at the ballot. The candidate appointing the scrutineer shall before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer who:

 (i) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote, in the count but the Returning Officer shall have final determination of any votes so queried;

 (ii) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election; and

 (iii) shall not interfere with or attempt to influence any member at the time such member is casting a vote.

(g) Extraordinary or Casual Vacancies

 (i) An extraordinary or casual vacancy (howsoever occurring) in the office of National Secretary shall be filled by secret postal ballot of all financial members of the Union as soon as practicable following the occurrence of the vacancy and the person so elected shall take office from the declaration of election and shall hold office until the expiration of the term of office of the person replaced or until a successor thereto has been elected and takes office.

 (ii) An extraordinary or casual vacancy (howsoever occurring) in the office of any other Officer or in the office of a National Trustee shall be filled by secret postal ballot of the members of the National Council as soon as practicable following the occurrence of the vacancy and the person so elected shall take office from the declaration of election and shall hold office until the expiration of the term of the person replaced or until a successor thereto has been elected and takes office.

 (iii) Any ballot pursuant to this clause shall be conducted by a Returning Officer appointed by the National Executive for such purpose and the Returning Officer so appointed shall determine the times and dates for the commencement and close of the period for lodging nominations and the times and dates for the commencement and close of the ballot and shall, in all other respects, conduct the ballot in accordance with the provisions of paragraph (d) of this Rule.

 (iv) Notwithstanding the foregoing provisions of this paragraph:

 (a) where the unexpired portion of the term of the office in which the vacancy occurs does not exceed 3 years, the National Executive may fill such vacancy by appointment of a financial member of the Union qualified pursuant to these Rules to be elected to such office; and

 (b) where the unexpired portion of the term of the office in which the vacancy occurs exceeds 3 years, the National Executive may fill such vacancy by appointment of a financial member of the Union qualified pursuant to these Rules to be elected to such office until an election is held, provided that no person so appointed shall hold office for a period exceeding twelve months.

(h) Absent Voting

 In any election conducted in accordance with this Rule by way of secret postal ballot, if a person entitled to receive a ballot paper is absent from the address appearing for that person on the roll of voters, that person may, by notice in writing delivered to the Returning Officer prior to the opening of the ballot, advise the Returning Officer of the address to which such ballot paper is to be forwarded.

## 31 - REMOVAL OF OFFICE HOLDERS

(a) Where the National Council at a special meeting called for that purpose finds any Officer of the Union or a National Trustee or member of the National Council or an Officer of a Branch or member of a Branch Committee guilty, in accordance with these Rules, of misappropriation of the Funds of the Union or of a Branch, or a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold the office held, it may by resolution suspend or remove such person from the office.

(b) No such resolution shall be moved at a meeting of such National Council unless the person concerned has been given adequate notice of intention to move the resolution and an opportunity to show cause either orally or in writing to such National Council why the resolution should not be passed.

(c) Where such a person is, in accordance with this Rule, suspended or removed from office, the person shall, by virtue of such suspension or removal, be deemed to have been suspended or removed from any other office held by virtue of holding the office from which the person has been suspended or removed.

# PART V - OTHER MATTERS

## 32 - NATIONAL SEAL

(a) The Union shall have a National seal in a form determined by the National Council.

(b) The National Seal shall be kept at the principal registered office of the Union.

(c) Any document not required by law to be under seal may be executed by being signed by the National Secretary.

(d) Any document permitted or required by the Fair Work Laws to be under seal may be executed on behalf of the Union by affixing the National Seal of the Union thereto and by being signed by the National Secretary.

(e) Any document otherwise required by law to be under seal shall be executed only on the authorisation of the National Council or the National Executive by affixing the National Seal of the Union thereto and by being signed by the National Secretary.

## 33 - INDUSTRIAL AGREEMENTS

(a) The National Council or the National Executive shall have full power and authority to negotiate and enter into industrial agreements. Such agreements shall be signed for and on behalf of the Union by the National President or the National Secretary.

(b) No Branch shall enter into any industrial agreement or institute any proceedings affecting the welfare of members of any other Branch without the prior authority of the National Council or the National Executive.

(c) The Committee of a Branch shall have power to negotiate and enter into industrial agreements affecting only the members of that Branch. Such agreements shall be signed for and on behalf of the Branch by the President and/or the Secretary of the Branch.

## 34 - AUTHORITY TO INSTITUTE PROCEEDINGS

(a) The National Executive shall have power and authority to lodge or file any claims, demands, disputes or other matters relating to the members of the Union with such Courts, Industrial Tribunals or other Tribunals or Authorities as it deems necessary.

(b) Notwithstanding the foregoing, the National Secretary shall have a discretionary power to lodge or file any claims, demands, disputes or other matters relating to the members of the Union provided that any use of such discretionary power shall be reported to the next following meeting of the National Executive.

(c) For the purpose of this Rule, the National Secretary or any other officer of the Union as the National Executive decides shall be authorised to sign any claims, demands, disputes or other matters on behalf of the National Executive.

(d) The National Secretary, or the Secretary of a Branch if authorised by the National Executive, shall have power on behalf of and in the name of the Union, to take any proceedings, lay any information or complaint, or do any other act, matter or thing which the Union may do under the provisions of the Fair Work Laws concerning the enforcement of the Fair Work Laws, or any award or agreement made under the Fair Work Laws or the carrying out of any provisions of the Fair Work Laws or any other legislation affecting the affairs and interests of the Union and its members.

(e) At the hearing of any matter or in any proceedings in which the Union is concerned, the Union may be represented by the National Secretary and/or such other Officer(s) and/or person(s) as the National Executive or the National Secretary may determine.

## 35 - VOTING

(a) Unless otherwise required by these Rules, at all meetings of the National Council or the National Executive of the Union, voting shall be by show of hands or by such other method as the meeting decides.

(b) At all meetings of the National Council and the National Executive the Chairperson shall not have a casting vote.

(c) At all meetings of the National Council or the National Executive of the Union, the National Secretary shall be entitled to one vote.

(d) At all meetings of the National Council, each delegate shall be entitled to one vote.

(e) Where any member of the National Council or the National Executive is unable for any reason or at any time to be present at a meeting of the National Council or the National Executive, he/she may in writing or by email or facsimile appoint another member of the National Council or the executive to exercise his/her vote at such meeting on any or all matters including an election or appointment which comes before that meeting, provided that no person attending any such meeting shall be entitled to hold more than one proxy vote for that meeting.

## 36 - POSTAL, ELECTRONIC ETC. VOTING

(a) Reference by National Executive to Members of National Council

 (i) The National Executive may resolve that any matter requires a decision of the National Council between meetings of the National Council and that such matter be submitted to the National Council for decision in accordance with either of the procedures prescribed by clause (a) (ii) or (a) (iii) of this Rule.

 (ii) (a) Where the National Executive resolves that the matter be submitted to the National Council for decision by ballot of the members of that National Council, such matter may be forwarded by post, email or facsimile to each member of the National Council at his/her address in the register of members in such form as may be required by National Executive. It shall be accompanied by such reasons for and against the adoption of such matter as all or any members of National Executive may desire to have submitted to the members of the National Council.

 (b) Members of the National Council shall within twenty-one days record their votes on the matter so submitted by post, email or facsimile, addressed to the National Secretary, and the decision of the majority of members voting shall be binding, as if such decision were obtained by voting at a regularly constituted meeting of the National Council.

 (c) All votes or their confirmation shall be signed by the member of the National Council recording the same. If any vote be recorded by means other than a letter, then such vote shall be confirmed by letter signed by the member voting.

 (iii) Where the National Executive resolves that the matter be submitted to the National Council for a decision by a meeting of members of such National Council conducted by such telephonic or electronic means as may from time to time be available, the National Secretary shall as soon as practicable arrange such a meeting. The members of the National Council shall participate in such a meeting and the decision of the majority shall be binding as if such decisions were obtained at a regularly constituted meeting of that National Council.

 (iv) If:-

 (a) in the course of a ballot pursuant to clause (a) (ii) of this Rule, a majority of members of the National Council notify the National Secretary in writing, or

 (b) in the course of a meeting conducted pursuant to clause (a) (iii) of this Rule, a majority of the members of the National Council resolve that the matter so submitted to them is of such importance that a special meeting of the National Council should be convened to deal with and decide the matter, then such special meeting of the National Council shall be convened at such time and place as the National Secretary shall determine to consider and decide the matter.

 (v) If a special meeting of the National Council be held for such a purpose, such other business as the National Council or the National Executive shall decide may be submitted to the meeting.

(b) Reference to Members of the National Executive

 The National President, the National Secretary or in their absence the Senior National Vice President, may refer any matter of urgency to members of the National Executive for determination by telephone, email or facsimile and the decision of the majority shall be binding as if such decision were obtained by a vote of a regularly constituted meeting of the National Executive provided that such vote is subsequently confirmed by letter signed by the member voting.

# PART VI - BRANCH MANAGEMENT

## 37 - COMPOSITION OF BRANCH COMMITTEES

The Branch Committees shall be comprised as follows:

(a) Victorian Queensland Western Australian Branch – the President, the Vice-President, the Secretary, the Assistant Secretary, the two Trustees, one Committee member – Western Australia, two Committee members – Queensland and five Committee members – Victoria.

(b) New South Wales South Australian and Tasmania - the President, the Vice-President, the Secretary, the Assistant Secretary, the two Trustees and three Committee members, provided that no Committee member shall lose office as a result of this sub-rule being amended and all persons elected to the office of Committee member shall continue to hold office until the term of that office expires or the person holding that office earlier resigns that office.

## 38 - POWERS OF BRANCH COMMITTEES

In addition to any powers otherwise conferred upon it by these Rules and subject to the control of members of the Branch in meeting assembled, a Branch Committee shall have power to conduct and manage the affairs of the Branch.

## 39 - MEETINGS OF BRANCH COMMITTEES

(a) Branch Committees shall meet at least quarterly and at such other times as may be requested by the President and/or the Secretary or by the majority of members of the Committee.

(b) Branch Committees may meet in person, by telephone or by any other electronic means as determined by the Secretary of the Branch.

(c) Any decision of a Branch Committee may be decided upon by means of mail, fax, telephone, email or other electronic means at the instigation of the Secretary of the Branch.

(d) A quorum at any meeting of a Committee shall be one half of the members of the Committee.

## 40 - OFFICERS OF THE BRANCHES

The Officers of a Branch shall be President, the Vice-President, the Secretary, the Assistant Secretaries (if any) and the Trustees.

## 41 - POWERS AND DUTIES OF OFFICERS OF BRANCHES

(a) President

 The President of a Branch shall be the recognised head of the Branch and shall:

 (i) preside at all meetings of the Branch and of the Committee of the Branch and upon confirmation of the minutes sign them in the presence of the meeting confirming the same;

 (ii) sign all documents requiring the President's signature; and

 (iii) be ex-officio a member of any sub-Committee of the Committee of the Branch.

(b) Vice-President

 (i) in the absence of the President from any meeting of the Branch or of the Committee of the Branch, the Vice-President of the Branch shall preside over such meeting.

 (ii) In the absence from any such meeting of both the President and the Vice-President, those present shall select one of their number to preside over such meeting.

(c) Secretary

 The Secretary of a Branch shall:

 (i) call and attend unless excused, all meetings of the Branch and the Committee of the Branch and keep or cause to be kept the minutes of all such meetings;

 (ii) arrange and organise the conduct of the business and correspondence of the Branch;

 (iii) receive all moneys and pay the same to the credit of the Branch in such bank, building society, credit union or other financial institution as the Committee of the Branch may from time to time decide;

 (iv) issue receipts for all moneys received on behalf of the Branch;

 (v) keep or cause to be kept in appropriate books of account a correct statement of all moneys received and expended by or on behalf of the Branch;

 (vi) have custody of the financial records and produce them for inspection at all reasonable times when requested by the President or the Committee of the Branch;

 (vii) prepare and submit to a meeting of the Committee of the Branch at least every six months an up-to-date financial statement and when called upon so to do by the said Committee produce all relevant books in support of the same;

 (viii) prepare in conjunction with the Auditor Balance Sheets and Statements of Accounts for submission to the Annual General Meeting of the Branch;

 (ix) provide the Auditor with all such information regarding the financial affairs of the Branch as he or she may have;

 (x) keep or cause to be kept the records required to be kept pursuant to the provisions of the Fair Work Laws;

 (xi) lodge and file with and furnish to the General Manager all such documents as are required to be lodged, filed or furnished under the Fair Work Laws at the prescribed times and in the prescribed manner;

 (xii) have the right to speak at any general or special meeting of the Branch but not to vote unless he or she is a member of the Branch;

 (xiii) subject to any direction of the Committee of the Branch, appoint, engage, control and dismiss such clerical and other staff as may be necessary for the conduct of the affairs of the Branch;

 (xiv) with a Trustee of the Branch, sign all cheques;

 (xv) administer the work of the Branch in accordance with these Rules and with the directions and decisions of the Branch Committee;

 (xvi) be the Officer to sue and be sued on behalf of the Branch;

 (xvii) submit to the National Secretary the following lists, documents and reports -

 (a) the number of members of the Branch at the end of each quarter;

 (b) two copies of the balance sheet and report at the completion of each yearly audit of the Branch in each year;

(xviii) be empowered to carry out the following duties -

 (a) the securing of new members;

 (b) ensuring that shop stewards and shop representatives are elected or appointed pursuant to Rule 49 of these Rules;

 (c) explaining agreements and awards to members;

 (d) furnishing receipts to shop stewards or shop representatives for all contributions paid to the Branch by them;

 (xix) submit to the National Secretary a copy of the Minutes of all Meetings held within the Branch;

 (xx) inform the National Executive of any matters of concern conveyed to the Branch Committee by the Branch Auditor concerning the financial affairs of the Branch;

 (xxi) inform the National Secretary of any elections proposed to be held in the Branch and of the results of the same;

 (xiii) as far as possible, establish uniformity in the enforcement of awards throughout the Branch; and

 (xiiii) carry out such other duties as the Committee of the Branch may from time to time direct.

(d) Assistant Secretary

 (i) An Assistant Secretary of a Branch shall -

 (a) assist the Secretary of the Branch in carrying out his or her duties under these Rules, and/or,

 (b) have the right to speak at any meeting of any Branch or a Branch Committee, but not to vote thereat unless he or she is a member of such Branch or Branch Committee; and

 (c) subject to the control and direction of the Secretary supervise the work and activities of the Organisers of the Branch;

 (d) be empowered to carry out the following duties -

 (i) the securing of new members;

 (ii) ensuring that shop stewards and shop representatives are elected or appointed pursuant to Rule 49 of these Rules;

 (iii) explaining agreements and awards to members;

 (iv) furnishing receipts to shop stewards or shop representatives for all contributions paid to the Branch by them; and,

 (e) perform such other duties as the Branch Committee or the Branch Secretary may from time to time direct.

 (ii) in the event of the Secretary being temporarily unable or unavailable to carry out his or her duties, the Assistant Secretary appointed to do so at the time by the President shall act in his or her stead and exercise all the functions and powers of the Secretary.

(e) Trustee-

 The Funds and property of the Branch shall be vested in the Trustees of the Branch who shall deal with the same as directed by resolution of the Committee of the Branch.

## 42 - BRANCH ELECTIONS

(a) Tenure of Office

 The Officers of a Branch, the members of the Branch Committee, the extra National Councillors to which a Branch may be entitled and Branch Organisers shall be elected by secret postal ballot of all financial members of the Branch as the case may be, shall each take office from the completion of the term of his/her predecessor's term of office or from the date of the declaration of his/her election (whichever is the later) and shall each hold office for a period of four years or until a successor thereto has been elected and takes office.

(b) Qualifications for Office

 A nominee for any office referred to in paragraph (a) of this Rule shall:

 (i) have been a member of the Union for the twelve months immediately preceding the date of nomination; and

 (ii) have been a member of the Branch of the Union for the same period; and

 (iii) be a financial member of the Union as at the date of nomination; and

 (iv) in the case of a nominee for a full-time paid office in a Branch or for an office of Branch organiser, either -

 (a) have been a member of the Union employed in the industries of the Union for the 12 months, immediately preceding the date of nomination; or

 (b) have been the holder of a full-time paid office in the Union or a Branch or the holder of an office of Branch organiser immediately preceding the date of nomination.

(c) Returning Officer

 Any Returning Officer appointed pursuant to this Rule:

 (i) may or may not be a member of the Union;

 (ii) may or may not be a member of the Branch in respect of which he or she is appointed; and

 (iii) shall not be the holder of any office in or an employee of the Union, or any Branch of the Union.

(ca) Qualifications for Victorian Queensland Western Australian Branch Committee members

In addition to the qualifications for office specified in sub-rule (b) of this rule:

 (i) a nominee for the office of Committee member – Queensland must reside in Queensland on the date of nomination;

 (ii) a nominee for the office of Committee member – Victoria must reside in Victoria on the date of nomination;

 (iii) a nominee for the office of Committee member – Western Australia must reside in Western Australia on the date of nomination;

 (iv) a person holding the office of Committee member – Queensland must reside in Queensland during the person’s term of office in order to remain eligible to hold the office;

 (v) a person holding the office of Committee member – Victoria must reside in Victoria during the person’s term of office in order to remain eligible to hold the office; and

 (vi) a person holding the office of Committee member – Western Australia must reside in Western Australia during the person’s term of office in order to remain eligible to hold the office.

(d) Conduct of Elections

 (i) Not less than four months prior to the completion of the current term of office, the Committee of the Branch shall appoint a Returning Officer to conduct elections for the offices referred to in paragraph (a) of this Rule.

 (ii) The Returning Officer shall fix a date for the closing of nominations being a date not less than three months prior to the completion of the current term of office. Not less than two weeks before the date fixed for the closing of nominations by circular to all shop stewards to be placed on notice boards in each factory or by advertisement in a daily newspaper circulating throughout a State or Territory in which the Branch has members. Nominations shall be in writing, shall be signed by the nominee and shall be delivered to the Returning Officer at the office of the Branch not later than l2 noon on the date fixed for the closing of nominations.

 (iii) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that, in the event of finding a defect in any nomination, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect, and, where it is practicable, give the person the opportunity to correct the defect within seven days of having been so notified.

 (iv) The Returning Officer shall -

 (a) if there be no more than one nomination for a position, declare the nominated person elected to the position;

 (b) if more nominations than one are received for the position, have ballot papers printed containing the names of the candidates for the position in order as drawn by lot indicating the number to be elected to the appropriate position, the manner in which votes shall be recorded and the date and time of closing of the ballot, which date shall be not less than two weeks prior to the completion of the current term of the appropriate office;

 (ba) ensure that the names and addresses of members who are entitled under these rules to vote in an election shall form the roll of voters for the election. The Returning Officer shall prepare a roll of voters who, on the seventh day before the date determined for the opening of nominations, are entitled to vote in the election;

 (c) be responsible for the safe custody of the ballot papers;

 (d) obtain from the printer a certificate of the number of ballot papers printed;

 (e) initial every ballot paper prior to its distribution;

 (f) forward by prepaid post a ballot paper, a prepaid or business reply paid envelope addressed to the Returning Officer and a declaration envelope for the return of the vote to each member entitled to receive a ballot paper. The declaration envelope and prepaid envelope shall be in the form prescribed by the Fair Work Laws;

 (g) arrange for the use of a post office box or other receptacle to which ballot papers may be returned;

 (h) at the time fixed for the closing of the ballot, in the presence of the scrutineers (if so requested), count all the votes cast and subject to sub-paragraph (i) of this paragraph declare the result of the ballot;

 (i) in the event of a tie occurring, determine the result by drawing lots in the presence of the tied candidates, provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot then such candidate shall be declared elected;

 (j) report the result of the election to the next following meeting of the Branch and submit to the meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.

(e) Scrutineers

 Any candidate may appoint a scrutineer who is a member of the Branch to represent the candidate at the ballot. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer who:

 (i) Shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count but the Returning Officer shall have final determination of any votes so queried;

 (ii) Shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election; and,

 (iii) Shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.

(f) Extraordinary or Casual Vacancies

 (i) An extraordinary or casual vacancy (howsoever occurring) in any office referred to in paragraph (a) of this Rule shall be filled by secret postal ballot of all financial members of the Branch as soon as practicable following the occurrence of the vacancy and the person so elected shall take office from the declaration of election and shall hold office until the expiration of the term of office of the person replaced or until a successor thereto has been elected and takes office.

 (ii) Any ballot pursuant to this clause shall be conducted by a Returning Officer appointed by the Committee of the Branch for such purpose and the Returning Officer so appointed shall determine the date for the closing of nominations and the date for the closing of the ballot and shall, in all other respects, conduct the ballot in accordance with the provisions of Clause (d) of this Rule.

 (iii) Notwithstanding the foregoing provisions of this Rule -

 (a) where the unexpired portion of the term of the office in which the vacancy occurs does not exceed three years, the Committee of the Branch may fill such vacancy by appointment of a financial member of the Branch qualified pursuant to these Rules to be elected to such office; and

 (b) where the unexpired portion of the term of the office in which the vacancy occurs exceeds 3 years, the Committee of the Branch may fill such vacancy by appointment of a financial member of the Branch qualified pursuant to these Rules to be elected to such office until an election is held, provided that no person so appointed shall hold office for a period exceeding twelve months.

(g) Absent Voting

 In any election conducted in accordance with this Rule by way of secret postal ballot, if a person entitled to receive a ballot paper is absent or likely to be absent from the address appearing for that person on the roll of voters, that person may, by notice in writing delivered to the Returning Officer prior to the opening of the ballot, advise the Returning Officer of the address to which such ballot paper is to be forwarded.

## 42A - VICTORIAN QUEENSLAND WESTERN AUSTRALIAN BRANCH ELECTIONS

(a) The provisions of this rule prevail over anything contained elsewhere in these rules to the extent of any inconsistency, except for rule 83 which prevails over this rule to the extent of any inconsistency.

(b) Elections for all Victorian Queensland Western Australian Branch offices (other than for extraordinary or casual vacancies as provided in Rule 42(f)) shall be held at the same time (“the synchronised elections”).

(c) The first of the synchronised elections shall be held in 2014, and thereafter every four years.

(d) Persons elected to any of the Victorian Queensland Western Australian Branch offices in the synchronised elections shall take up office on 11 July in the year of their election and their term of office shall expire on 10 July in the fourth year after their elections.

(e) Subject to this rule, the conduct of the synchronised elections shall be in accordance with rule 42.

## 43 - DUAL OFFICES

No person shall simultaneously hold more than one of the following positions in a Branch: President, Vice-President, Secretary, Assistant Secretary, Trustee, Committee Member.

## 44 - REMOVAL OF OFFICERS, ORGANISERS, COMMITTEE MEMBERS AND NATIONAL COUNCILLORS

(a) No Officer or organiser of a Branch or member of a Committee of a Branch shall be absent from three consecutive meetings of the Branch Committee or from three consecutive general meetings of his Branch without leave of the Branch Committee.

(b) Where the Branch Committee at a special meeting called for that purpose finds any Officer of a Branch, Branch Organiser, member of the Branch Committee or National Councillor guilty, in accordance with these Rules, of misappropriation of the funds of the Branch, or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold the office held, it may by resolution suspend or remove such person from the office.

(c) No such resolution shall be moved at a meeting of such Committee unless the person concerned has been given adequate notice of intention to move the resolution and an opportunity to show cause either orally or in writing to such Committee why the resolution should not be passed.

(d) Where such a person is suspended or dismissed by resolution of a Committee and appeals in writing to the President or Secretary of the Branch within fourteen days of being advised of the passing of the resolution, the Committee or the Secretary shall call a general meeting of the members of the Branch to confirm or otherwise deal with such resolution. The person suspended or dismissed shall be notified by letter posted to that person's address in the register of members of the date of such general meeting. The confirmation of such resolution to suspend or dismiss a member must be carried by a two-thirds majority of the financial members attending such general meeting.

(e) Any such resolution shall take effect:

 (i) upon confirmation of the resolution by such general meeting; or

 (ii) where no appeal is made in accordance with these Rules, upon the expiration of the said period of fourteen days.

(f) A person who is, in accordance with this Rule, suspended or removed from office, shall by virtue of such suspension or removal, be deemed to have been suspended or removed from any other office held by virtue of holding the office from which the person has been suspended or removed.

## 45 - GENERAL MEETINGS

(a) Each Branch shall hold quarterly general meetings of members and the annual general meeting of the Branch shall be held in the month of September in each year.

(b) A special general meeting of a Branch may be called by either the President of the Branch or by the Secretary of the Branch at any time and shall be called by the President upon receipt by him or her of a petition signed by not less than 5 per cent or 250 members of the Branch (whichever is the lesser).

(c) Notice of any general meeting shall be advertised in a daily newspaper circulating in the State(s) and/or Territory(ies) in which the Branch has members or by circulars to the various establishments in which members of the Branch are employed. Such notice shall be advertised or circulated not less than fourteen days prior to the date of the meeting and shall specify the date, time and place of the meeting and, in the case of a special general meeting, the purpose for which it has been called.

(d) A special general meeting shall deal only with the business for which it has been called.

(e) A member who signs a petition for a special general meeting and who fails to attend such special general meeting without reasonable excuse shall be deemed guilty of a breach of these Rules.

(f) A quorum at any general meeting of a Branch shall be as follows:

 (i) Victorian Queensland Western Australian Branch and New South Wales South Australian Tasmanian Branches – twenty financial members.

(g) If no quorum is present at the time specified for the commencement of any general meeting, such meeting shall lapse. Any decision of a Branch Committee which would have been submitted to such meeting for endorsement shall be deemed to be the decision of the members. Any other matter which required a decision of such meeting may be determined by decision of the next following meeting of the Branch Committee.

(h) No ordinary general meeting shall continue for more than two (2) hours and no special general meeting shall continue for more than two and one-half (2-1/2) hours, provided that any such meeting may be extended by thirty (30) minutes by a majority vote of members present.

(i) No general or special meeting shall be held on a public holiday.

(j) A general meeting of a Branch which comprises members from more than one State may be constituted by a series of general meetings in the constituent States. Where a series of general meetings occurs in accordance with this sub-rule, the general meeting is taken to have occurred at the time of the last of the meetings in the series.

## 46 - VOTING

(a) Unless otherwise required by these Rules, voting at all meetings of a Committee of a Branch or of a Branch shall be by show of hands or by such other method as the meeting may from time to time decide.

(b) A Chairperson of any such meeting shall have a deliberative vote only.

(c) Voting at a meeting of a Committee of a Branch may be given either personally or by proxy, but no person shall be appointed as a proxy unless such person is a member of the Committee of the Branch. The instrument appointing a proxy shall be in the hands of the Chairperson of the meeting prior to the commencement of the meeting at which the proxy vote is to be exercised.

(d) No person attending any such meeting shall be entitled to hold more than one proxy vote for that meeting.

## 47 - ORGANISERS, INDUSTRIAL OFFICERS AND RESEARCH OFFICERS

(a) A Branch may elect such number of organisers as the Branch Committee deems necessary.

(b) An organiser shall:

 (i) take all reasonable steps to secure new members;

 (ii) ensure the appointment of shop stewards;

 (iii) assist in tracing the current places of employment of members;

 (iv) report to the Secretary any change of address of a shop steward or any change of name or address of any employer in the industry;

 (v) provide the Secretary with the name and address of any employer in the industry who is not bound by any agreement or award;

 (vi) furnish receipts to shop stewards for all contributions paid by them;

 (vii) pay all cash and cash cheques received by him or her into the Branch's bank account or to the Secretary within 72 hours of such receipt;

 (viii) attend all meetings of the Branch and the Committee of the Branch and such other meetings as decided by the Committee or the Secretary;

 (ix) make a report daily of his or her previous day's work to the Secretary and supply such details thereof as may be required,

 (x) report suspected breaches of agreements or awards to the Secretary,

 (xi) do all such things as the Committee or the Secretary may from time to time direct.

(c) A Branch Committee may appoint and dismiss such industrial officers, research officers and such other non-clerical employees as it deems necessary.

(d) An industrial officer, research officer or such other non-clerical employees shall perform such duties as directed by the Branch Committee or Branch Secretary and shall report to the Branch Committee and/or the Branch Secretary as required.

## 48 - SHOP STEWARDS

(a) A majority of the members employed in any mill or factory or part thereof or the Secretary of the Branch may elect or appoint from among the members so employed a person or persons to be shop steward or stewards of such mill or factory or part thereof. Any such member or members so elected or appointed shall at all times be a financial member or members.

(b) Any member so elected or appointed shall advise the Secretary or the organiser of the Branch of his or her election or appointment.

(c) A shop steward shall interview non-members and endeavour to induce them to join the Union and advise such Secretary or organiser of the result of such interviews and of the names of the persons interviewed.

(d) A shop steward shall collect all fines, fees, levies and dues owing by members employed at such mill or factory or part thereof and shall pay the amount so received to the Secretary or organiser within 28 days of receipt of the same.

(e) A shop steward shall report to the Secretary or organiser any breach or suspected breach of agreement or award which is occurring or is suspected to have occurred at his or her place of employment or at any other mill or factory or part thereof.

(f) A shop steward shall be paid a commission quarterly, half-yearly or yearly, to be fixed by the Branch Committee, on all moneys except levies collected by the shop steward but such commission shall not exceed fifteen per cent (15%) of all the moneys (except levies) so collected.

(g) The position of a shop steward shall be terminated in any of the following events:

 (i) if the shop steward resigns from membership of the organisation or is expelled therefrom in accordance with these Rules;

 (ii) if the shop steward dies;

 (iii) if the shop steward fails to account for moneys received by him or her as a shop steward in accordance with these Rules within the time fixed by these Rules for him or her to account thereof;

 (iv) if the shop steward is found guilty of a breach of any of these Rules;

 (v) if the shop steward ceases to be employed in a trade, occupation or calling covered by the constitution of the organisation;

 (vi) if the shop steward ceases to be employed by an employer in the establishment or part thereof where he or she was appointed a shop steward;

 (vii) if a majority of the members employed in the establishment or part thereof where he or she is a shop steward attend and vote at a meeting duly convened for the purpose of deciding whether he or she should continue to be shop steward thereat decides that he or she shall cease to be shop steward at such establishment or part thereof.

(h) Each shop steward shall, upon election or appointment pursuant to this Rule, be supplied by the Branch Secretary with a copy of the Rules of the Union and a copy of any award to which the Union is a party and which is relevant to the members of the Union represented by such shop

 steward. The Branch Secretary shall endeavour to supply any such steward with a copy of any alterations that may be made from time to time to the Rules or award.

## 49 - BRANCH SEAL

(a) Each Branch may have a Branch Seal in the form determined by the Branch Committee and approved by the National Executive.

(b) The Seal of a Branch shall be kept at the office of the Branch and shall be affixed to any document or instrument requiring the same in accordance with a resolution of the Branch Committee.

# PART VII - FINANCE

## 50 - FUNDS AND PROPERTY OF THE UNION

(a) The funds and property of the Union shall consist of:

 (i) any real or personal property of which the National Council or National Executive of the Union by these Rules or by any established practice not inconsistent with these Rules, has, or, in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management;

 (ii) any moneys paid to the National Council by Branches by way of capitation fees or for other purposes as required by decisions of the National Council;

 (iii) any interest, rents, dividends, or other income derived from the investment or use of such funds and property;

 (iv) any superannuation or long service leave or other fund operated or controlled by the Union as a whole in accordance with these Rules for the benefit of its officers or employees:

 (v) any sick pay fund, accident pay fund, funeral fund or like fund operated by the Union as a whole in accordance with these Rules for the benefit of its members;

 (vi) any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property; and

 (vii) the proceeds of any disposal of parts of such funds and property.

(b) All funds and property of the Union shall be vested in the Union.

(c) The National Council or the National Executive may cause any moneys of the Union which, in its opinion, are in excess of current requirements to be invested.

(d) All cheques or other instruments for the withdrawal of any funds of the Union from any bank or other account shall be signed by the National Secretary and one of the National Trustees.

(e) Moneys of the Union shall be disbursed only upon a resolution of the National Council or the National Executive, provided that, for the expenditure of the funds of the Union on the general administration of the Union and for purposes reasonably incidental to the general administration of the Union, the prior authority of the National Council or the National Executive shall not be necessary before cheques are signed and/or accounts are paid.

## 51 - FUNDS AND PROPERTY OF A BRANCH

(a) The funds and property of a Branch shall consist of:

 (i) any real or personal property of which the Branch by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;

 (ii) the amounts of entrance fees, subscriptions, fines and levies collected by the Branch less so much as is payable by the Branch to the National Executive by way of capitation fees or otherwise;

 (iii) any interest, rents, dividends, or other income derived from the investment or use of such funds and property;

 (iv) any superannuation or long service leave or other fund operated or controlled by the Branch in accordance with these Rules for the benefit of its officers or employees;

 (v) any sick pay fund, accident pay fund, funeral fund or like fund operated by the Branch in accordance with these Rules for the benefit of its members;

 (vi) any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property; and

 (vii) the proceeds of any disposal of parts of such funds and property.

(b) All funds and property of a Branch shall be vested in the Trustees of that Branch.

(c) The Committee of a Branch may cause any moneys of that Branch which, in its opinion, are in excess of current requirements to be invested.

(d) All cheques and other instruments for the withdrawal of any funds of a Branch of the Union from any bank or other account shall be signed by the Secretary of that Branch and one of the Trustees of that Branch.

(e) Moneys of a Branch of the Union shall be disbursed only upon a resolution of the Committee of the Branch or a general meeting of members of the Branch, provided that, for the expenditure of the funds of the Branch on the general administration of the Branch or for purposes reasonably incidental to the general administration of the Branch, the prior authority of the Branch Committee or a general meeting of members of the Branch shall not be necessary before cheques are signed and/or accounts are paid.

## 52 - LOANS, GRANTS AND DONATIONS

(a) For the purposes of this Rule, "the appropriate Committee" and "an authorised person" shall be respectively:

 (i) in the case of the Union, the National Executive and the National Secretary;

 (ii) in the case of a Branch, the Committee and the Secretary of that Branch.

(b) Subject always to paragraphs (c), (d) and (e) of this Rule, but notwithstanding anything elsewhere contained in these Rules, the Union or a Branch shall not make any loan, grant or donation of an amount exceeding $1000.00 unless the appropriate Committee -

 (i) has satisfied itself -

 (a) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union, and

 (b) in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and,

 (ii) has approved the making of the loan, grant or donation.

(c) An authorised person may, out of the funds of the Union or a Branch make a grant or donation of an amount not exceeding $3000.00 to a member of the Union or the Branch (as the case may be) if such grant or donation:

 (i) is for the purpose of relieving the member or any of the member's dependants from severe financial hardship; and

 (ii) is subject to a condition to the effect that, if the appropriate Committee at its next meeting does not approve the grant or donation, it shall be repaid to the Union or the Branch (as the case may be) as determined by the Committee.

(d) In considering whether to approve a grant or donation made under paragraph (c) of this Rule, the appropriate Committee shall have regard to whether the grant or donation was made in accordance with the Rules of the Union.

(e) The provisions of paragraph (b) of this Rule shall not apply to or in relation to payments made by the Union or a Branch by way of provision for or reimbursement of out-of-pocket expenses incurred by persons for the benefit of the Union or the Branch.

## 53 - CAPITATION FEES

(a) National Council shall fix from time to time a capitation fee being the percentage or percentages, not exceeding thirty per cent (30%), of the contributions (other than entrance fees and commissions) collected or received by the Branch from members of the Branch.

(b) The National Council may fix different capitation fees in respect to different Branches of the Union.

(c) The amounts payable by way of capitation fees pursuant to this Rule shall be payable by Branches quarterly on or before the last day of the months of March, June, September and December in each financial year.

(d) Any Branch which has failed to remit an instalment (or any part of an instalment) in accordance with this Rule within one month of an instalment becoming payable shall be and be deemed to be unfinancial and, if the National Council so decides, the members of the National Council representing that Branch shall not be entitled to participate in any ballot or vote at any meeting of the National Council so long as the Branch remains unfinancial.

## 54 - FINANCIAL YEAR

(a) The financial year of the Union shall commence on the 1st day of January in each year and end on the 31st day of December next ensuing.

(b) The financial year of each Branch shall commence on the 1st day of January in each year and end on the 31st day of December next ensuing.

## 54A - DEFINITIONS

The following definitions operate in relation to rules 54B, 54C, 54D, 54E, 54F, 54G, 54H and 54I.

(a) **‘board’**

Means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

(b) **‘disclosure period’**

For the purpose of these rules means the financial year unless a shorter period is specified.

(c) **‘declared body or person’**

A person is a declared person or body if:

(i) an officer of the Union or branch (as the case may be) has disclosed a material personal interest under Rule 54E or sub-rule 54F; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or branch (as the case may be) that the officer no longer has an interest.

(d) **‘financial duties’**

Includes duties that relate to the financial management of the Union or a branch of the Union (as the case may be).

(e) **‘General Manager’**

Means the General Manager of the Fair Work Commission.

(f) **‘non-cash benefit’**

Means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

(g) **‘peak council’**

Has the same meaning as defined by section 12 of the *Fair Work Act 2009*.

(h) **‘office’**

Has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.

(i) **‘officer’**

Has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

(j) **‘related party’**

Has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.

(k) **‘relative’**

In relation to a person, means:

(i) parent, step parent, child, stepchild, grandparent, grandchild, brother, sister of the person; or

(ii) the spouse of the first mentioned person.

(l) **‘relevant remuneration’**

In relation to an officer of the Union or a branch (as the case may be) for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union or a branch (as the case may be) by the officer under Rule 54C(a) or 54D(a) during the disclosure period.

(ii) any remuneration paid during the disclosure period, by the officer of the Union or a branch (as the case may be).

(m) **‘relevant non-cash benefits’**

In relation to an officer of the Union or a branch (as the case may be) for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Union or branch (as the case may be) or by a related party of the Union or branch (as the case may be).

(n) **‘remuneration’**

(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(ii) but 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.

## 54B - FINANCIAL POLICIES

The Union and its branches shall develop and implement policies and procedures relating to the expenditure of the Union and each branch.

## 54C - DISCLOSURE OF OFFICER’S REMUNERATION & NON-CASH BENEFITS (NATIONAL UNION)

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

(i) because the officer is a member of a board, if:

(a) the officer is a member of the board only because the officer is an officer of the Union; or

(b) the officer was nominated for the position as a member of the board by the Union, a branch of the Union or a peak council; or

(ii) by any related party of the Union in connection with the performance of the officer’s duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the Union:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union and its branches:

(i) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(ii) for those officers:

(a) the actual amount of the officer’s relevant remuneration for the disclosure period; and

(b) either the value of the officer’s relevant non-cash benefits, or the form of the officer’s relevant non-cash benefits, for the disclosure period.

(d) For the purposes of sub-rule (c) the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

## 54D - DISCLOSURE OF OFFICER’S REMUNERATION & NON-CASH BENEFITS (BRANCHES OF UNION)

(a) Each officer of the Branch shall disclose to the Branch any remuneration paid to the officer:

(i) because the officer is a member of a board, if:

(a) the officer is a member of the board only because the officer is an officer of the branch; or

(b) the officer was nominated for the position as a member of the board by the Union, branch or a peak council; or

(ii) by any related party of the branch in connection with the performance of the officer’s duties as an officer.

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

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

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

(i) the identity of the officers who are the two highest paid officers of the branch in terms of the relevant remuneration for the disclosure period, and

(ii) for those officers:

(a) the actual amount of the officer’s relevant remuneration for the disclosure period; and

(b) either the value of the officer’s relevant non-cash benefits, or the form of the officers’ relevant non-cash benefits, for the disclosure period.

(d) For the purposes of sub-rule (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

## 54E – DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS (NATIONAL UNION)

(a) Each officer of the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union.

(b) The disclosure required by sub-rule (a) shall be made to the Union:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union and its branches any interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

## 54F – DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS (BRANCHES OF UNION)

(a) Each officer of a branch shall disclose to the branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union.

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

(i) as soon as practicable after the interest is acquired.

(ii) in writing.

(c) The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

## 54G – DISCLOSURE BY UNION OF PAYMENTS (NATIONAL UNION)

(a) The Union shall disclose to the members of the Union and its branches either:

(i) each payment made by the Union during the disclosure period:

(a) to a related party of the Union or of a branch of the Union; or

(b) to a declared person or body of the Union or a branch of the Union; or

(ii) the total of the payments made by the Union during the disclosure period:

(a) to each related party of the Union; or

(b) to each declared person or body of the Union.

(b) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union; or

(ii) the related party is an officer of the Union, and the payment:

(a) consists of remuneration paid to the officer by the Union; or

(b) is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

(c) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

## 54H – DISCLOSURE BY BRANCHES OF PAYMENTS (BRANCHES OF UNION)

(a) The branch shall disclose to the members of the branch either:

(i) each payment made by the branch, during the disclosure period:

(a) to a related party of the branch; or

(b) to a declared person or body of the branch; or

(ii) the total of the payments made by the branch, during the disclosure period:

(a) to each related party of the branch; or

(b) to each declared person or body of the branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch; or

(ii) the related party is an officer of the branch, and the payment:

(a) consists of remuneration paid to the officer by the branch; or

(b) is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

(c) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

## 54I – FINANCIAL MANAGEMENT TRAINING

Each officer of the Union or branch of the Union (as the case may be) whose duties include financial duties must complete training:

(a) approved by the General Manager under section 154C of the *Fair Work (Registered Organisations) Act 2009;*

(b) that covers each of the officer’s financial duties; and

(c) within six months after the person begins to hold the office.

## 55 - AUDITORS

(a) National Auditor

 The National Auditor shall:

 (i) be appointed annually by the National Council or the National Executive;

 (ii) be a qualified Accountant, and not a member or employee of the Union or any Branch;

 (iii) audit the books and balance sheet of the Union at the end of each financial year and at such other times as the National Council or National Executive shall direct;

 (iv) have access to and may examine all books, papers, deeds, documents and accounts of the National Council or National Executive and may question any office-bearer or Officer of the Union or any Branch with regard to the accounts and be authorised to obtain from any bank or other institution at which the Funds of the Union are deposited or invested any information concerning the same;

 (v) satisfy himself or herself as to the number of banking and/or investment accounts used by the Union;

 (vi) have power to request the Auditors of any Branch of the Union to furnish him or her with any information he or she considers necessary to assist him or her in forming an opinion as to the correctness of the financial statements of the Union or any Branch of the Union;

 (vii) furnish a written statement that all documents and statements to which he or she certifies are in accordance with law and the Rules of the Union or if unable to certify to the correctness of any of them report forthwith to the National Council or the National Executive the respect in which they are incorrect; and

 (viii) have power to place before the National Council or the National Executive any suggestions he or she may desire to make concerning the financial affairs of the Union or any Branch of the Union.

(b) Branch Auditors

 A Branch Auditor shall:

 (i) be appointed annually by the Branch Committee;

 (ii) be a qualified Accountant, and not be a member or employee of the Union or any Branch;

 (iii) audit the books and balance sheet of the Branch at the end of each financial year and at such other times as the Branch Committee shall direct;

 (iv) have access to and may examine all books, papers, deeds, documents and accounts of the Branch and may question any office-bearer or Officer of the Branch with regard to the accounts and be authorised to obtain from any bank or other institution at which the Funds of the Branch are deposited or invested any information concerning the same;

 (v) satisfy himself or herself as to the number of banking and/or investment accounts used by the Branch;

 (vi) furnish a written statement that all documents and statements to which he or she certifies are in accordance with law and the Rules of the Union or if unable to certify to the correctness of any of them report forthwith to the Branch Committee the respect in which they are incorrect;

 (vii) have power to place before the Branch Committee any suggestions or matters of concern he or she may have concerning the financial affairs thereof; and

 (viii) have power to inform the National Executive of any matters of concern he or she may have concerning the financial affairs of the Branch provided that the Branch auditor has first placed those matters of concern before the Branch Committee.

## 55A - NATIONAL GENERAL MEETINGS

(a) A national general meeting may be called within four (4) months after the end of the financial year for the purpose of considering the auditor 's report, the general purpose financial report and the operating report of the Union.

(b) A national general meeting of the Union shall be called by the National Secretary upon receipt by him or her of a petition signed by 5% of the members of the Union.

(c) A national general meeting may consist of a series of meetings at different locations provided that these are held simultaneously.

(d) A national general meeting shall deal only with the business, referred to in rule 55A (a) above, for which it has been called.

(e) Notice of any national general meeting shall be advertised in a daily newspaper circulating in each State or Territory of Australia. Such notice shall be advertised or circulated not less then fourteen days prior to the date of the meeting and shall specify the date, time and place of the meeting and the purpose for which it has been called.

(f) A member who signs a petition for a national general meeting and who fails to attend such a national general meeting without reasonable excuse shall be deemed guilty of a breach of these Rules.

(g) A quorum at any national general meeting of the Union shall be 100 financial members of the Union.

(h) If no quorum is present at the time specified for the commencement of a national general meeting, such meeting shall lapse. Any matter which required a decision of such meeting may be determined by the next meeting of the National Executive.

(i) No national general meetings shall be held on a public holiday.

(j) No national general meeting shall continue for more than two and one-half (2-1/2) hours, provided that any such meeting may be extended by thirty (30) minutes by a majority vote of members present.

## 55B - VOTING - NATIONAL GENERAL MEETINGS

(a) Unless otherwise required by these Rules, voting at a national general meeting shall be by show of hands or by such other method as the meeting may from time to time decide.

(b) A Chairperson of any such meeting shall have a deliberative vote only.

# PART VIII - SALARIES, CONDITIONS OF EMPLOYMENT, HONORARIA AND EXPENSES

## 56 - DEFINITION OF FULL-TIME AND HONORARY OFFICERS

For the purpose of these Rules –

(a) The holders for the time being of the following offices shall be and deemed to be full-time paid Officers of the Union or of a Branch as the case may be:

 Secretary and Assistant Secretary of any Branch;

(b) any other Officer of the Union or of a Branch shall be and be deemed to be an honorary Officer.

## 57 – SALARIES AND CONDITIONS OF EMPLOYMENT

(a) Unless otherwise provided for in these Rules, the salaries and conditions of employment of full-time paid Officers which for the purpose of this Rule, notwithstanding Rule 57 shall include all elected officers whose duties are full time in nature and employees of the Union or of a Branch shall be determined from time to time by the appropriate body in accordance with the following table –

 (i) Union –

 full-time paid officers - National Council

 industrial and research officers - National Council

 employees - National Council

 (ii) a Branch –

 full-time paid officers - National Council

 organisers - National Council

 industrial and research officers - Branch Committee

 other employees - Branch Committee

(b) It shall be a condition of employment of any full time paid Officer of the Union that such Officer shall, if required by the National Executive, take up residence within the area gazetted under the appropriate State or Territory legislation as the greater metropolitan area of the capital city of the State or Territory in which the registered office of or a national office of the Union is located within a period of six months from such requirement being conveyed in writing to such Officer.

(c) It shall be a condition of employment of any full-time paid Officer or employee of a Branch that such Officer or employee shall, if required by the Committee of the Branch, take up residence within the area gazetted under the appropriate State or Territory legislation as the greater metropolitan area of the capital city of the appropriate State or territory within a period of three months from such requirement being conveyed in writing to such Officer or employee.

## 58 – ANNUAL LEAVE

(a) All full-time paid Officers and/or Organisers of the Union or of a Branch shall be granted twenty-five (25) working days’ annual leave on full pay in each year at a time to be agreed upon by the Officer and the National Executive or the Committee of the Branch concerned.

(b) Where such a full-time paid Officer and/or organiser is engaged for a lesser period than one year in each qualifying period of twelve months, he or she shall be paid pro-rata annual leave upon termination of such engagement on the basis of 5/47ths of his or her total earnings over the period of engagement.

(c) Payment of any bonus or loading in respect of annual leave shall be as determined by the National Executive.

## 59 – LONG SERVICE LEAVE

(a) All full-time paid Officers and/or Organisers of the Union or of a Branch shall, after completion of four years continuous service, be entitled to long service leave on the basis of two weeks leave for each year of service or part thereof, provided that, in calculating part of a year of service, only completed months shall be counted.

(b) For the purpose of this Rule:-

 (i) where any such Officer or Organiser is deprived of long service leave entitlement due to accepting employment with the Union or a Branch he or she shall be credited with the period of service accumulated with his or her previous employer as at the rate of accrual in the industry of that employer;

 (ii) should any agreement in any form be made with the person concerned to compensate him or her for his or her service in that industry, the immediately preceding paragraph shall not apply;

 (iii) should the payment not fully meet his or her entitlement for service in that industry, the remainder of his or her entitlement shall be credited;

(d) Officers and/or Organisers of the Union or a Branch who are employed on a part time basis and who may be unable to avail themselves of the provisions of this Rule, may, after consultation with the National Executive or the Branch Committee, agree with such Executive or Committee that a gratuity on a pro rata basis be substituted for such long service leave. Any such agreement made shall not be contrary to the principles of this Rule.

## 60 – HONORARIA

(a) Honorary Officers of the Union or of a Branch may be paid such honoraria as is determined from time to time by the National Council or a general meeting of members of the Branch respectively.

(b) Any Returning Officer appointed under these Rules, shall be paid such honorarium and/or expenses as may be determined by the body appointing such Returning Officer.

## 61 – ATTENDANCE EXPENSES AT MEETINGS AND TRAVEL ALLOWANCES

(a) The following expenses shall be payable to any member of the National Council or National Executive, or of a Committee of a Branch, or any other member or employee of the Union or of a Branch required to attend a meeting or meetings of, or authorised by, the appropriate body or the appropriate officer of the Union;-

 (i) where that attendance necessitates his/her absence overnight from his/her usual place of residence, a travel allowance for each day or part day thereof as may be determined from time to time by the National Council;

 (ii) where that attendance does not necessitate his/her absence overnight from his/her usual place of residence, such daily allowance for each day or part day thereof as may be determined from time to time by the National Council; and

 (iii) the reimbursement of reasonable travel and other related expenses actually incurred including lost time, to be paid by the relevant Branch where appropriate.

 Provided always that where a Branch Officer including an Officer specified in Rule 37, or National Councillor, attends a National Meeting, including a meeting of National Council, a Branch shall reimburse all reasonable travel and other related expenses and allowances of the Officer concerned.

(b) Notwithstanding the foregoing paragraph (a) of this Rule the Committee of a Branch shall have the power to set the allowances to cover any Delegates and Representatives of the Union as outlined in Rule 78 of these Rules, provide that any such allowances set shall not exceed the allowances prescribed from time to time pursuant to paragraph (a) of this Rule.

(c) Should any member of the Union or any Branch thereof be deprived of work or wages or be required to work overtime in consequence of his or her having been engaged on business of the Union or his or her Branch or through any action he or she might have taken in the interests of the Union or his or her Branch, his or her Branch Committee shall provide such member with such compensation as it thinks fit, provided always that, in determining the amount of compensation, the fact that the member has received any allowance under paragraphs (a) and/or (b) of this Rule shall be taken into account.

## 62 – DELETED

## 63 – RESIGNATION OF OFFICERS, ETC.

(a) Any person holding an office or position in the Union or in a Branch may resign from the office on giving, in the case of a full-time paid office or position, one month’s, and in the case of any other office or position, two weeks’ written notice of intention to do so.

(b) Notwithstanding the foregoing, in the event that the National Council or the National Executive or a Committee of a Branch desires to resign as a body, it shall give one month’s notice in writing of its intention to do so.

# PART IX – GENERAL RULES

## 64 – AFFILIATION

(a) The National Council may by resolution carried by a majority of members of the National Council voting on such a resolution, affiliate the Union with any body having like aims and being of such a kind that the interests of the members and the objects of the Union will be advanced by such affiliation.

(b) A Branch Committee may by resolution carried by a majority of members of the Branch Committee voting on such resolution, affiliate the Branch with any body within the area in which that Branch operates having like aims and being of such a kind that the interests of the members of the Branch and the objects of the Union will be advanced by such affiliation.

## 65 – AMALGAMATION

The National Council is empowered to negotiate with kindred Unions for the purpose of bringing about amalgamation which, in its opinion, will increase the strength and efficiency of the organisation and further the interests of members. Where agreement in principle has been reached between the negotiating bodies to bring about amalgamation, the National Council has the power to seek an amalgamation under the provisions of the Fair Work Laws.

## 66 – DISSOLUTION OF A BRANCH

Subject always to the powers of the National Council as expressed in Rule l9 (d) of these Rules, no Branch shall of its own volition disband or withdraw from the Union except by resolution carried by a special general meeting of the Branch, provided that:

(a) twenty-eight days’ notice of such meeting and the business to be transacted thereat shall be given to all members of the Branch in the manner prescribed by Rule 45 (c) hereof and to the National Secretary of the Union; and

(b) the provisions of Rule 45 (f) shall have no application in respect of such meeting; and

(c) such resolution has been confirmed by a majority of members of the Branch voting in plebiscite; and

(d) such resolution shall not take effect until all fees due to the National Council have been paid and all the funds and property of the Branch have been handed over to the National Council.

## 67 – ALTERATIONS TO RULES

(a) The National Council shall have power to alter these Rules or any of them provided that one months written notice of the proposal to make such alterations has been given to each member of the National Council and to each Branch Secretary.

(b) Notwithstanding the provisions of paragraph (a) hereof, where an alteration to these Rules is necessary to bring these Rules into conformity or compliance with the requirements of the Fair Work Laws, or of an Order or Direction of a designated Presidential Member or the General Manager, the power to alter these Rules may be exercised by either the National Council or the National Executive, provided that two weeks written notice of the proposal to make such alteration has been given to each member of the National Council or the National Executive (as the case may be) and to each Branch Secretary.

(c) The National Council or the National Executive may exercise its powers under this Rule either at a meeting or pursuant to Rule 36 provided that any proposal to alter these Rules or any of them may itself be amended when being considered by a relevant meeting of the National Council or the National Executive.

## 68 – TEMPORARY APPOINTMENTS

In the event of any Officer of the Union or of a Branch being temporarily absent or unable or unavailable to carry out the duties of the office, except where otherwise provided for in these Rules, the National Executive or the Branch Committee as the case may be may appoint a member of the National Council or the Branch Committee as the case may be to act in the office of the absent Officer and carry out the duties of that office provided that the person so appointed:

(a) shall not, by virtue of such appointment, become the holder of that office; and

(b) shall act in that office only for the period of absence or unavailability of the holder of that office.

## 69 – DELETED

## 70 – MEMBERSHIP CARD AND RULE BOOK

Each member shall receive free of charge a membership card or its equivalent on becoming a member and, upon application to the National Secretary or the Secretary of his or her Branch, a copy of the Rules of the Union. Should a member require a further copy of these Rules, the member may obtain the same from any of the abovementioned Officers upon payment of $2.00 or such other sum as may be determined from time to time by the National Executive provided that such sum shall not exceed the appropriate fee fixed by or pursuant to the Fair Work Laws.

## 71 – REVIEW OF DECISIONS BY MEMBERS

Notwithstanding anything contained in these Rules to the contrary, upon a written request by not less than 100 financial members to the National Secretary to that effect in the case of a decision of the National Council or the National Executive, the National Secretary shall prepare a question or questions to be submitted to a secret postal ballot of all financial members of the Union and the result of such ballot shall be binding upon the National Council and National Executive and all Committees, officers and members of the Union and the Branches.

## 72 – INSPECTION OF BOOKS

(a) Any financial member of the Union shall be entitled and shall be permitted to inspect at all reasonable times during ordinary office hours the books and documents of the Union or a Branch upon production of an authority signed:

 (i) in the case of the books and documents of the Union, by the President;

 (ii) in the case of the books and documents of the Branch to which the member is attached, by the President of that Branch.

(b) If the appropriate officer refuses to sign such order, the member concerned may appeal to the National Executive, or the Branch Committee against such refusal and the decision of the body appealed to shall be final and binding.

(c) Notwithstanding the foregoing, no member shall be entitled to inspect the register of members of the Union or of a Branch unless that member is a candidate in an election for an office in the Union or that Branch.

## 73 – MINUTES – RIGHT TO INSPECT

(a) The decisions of the National Council, National Executive, General Meetings of Branches and Committees of Branches shall be available to the members of the Union and the Branches respectively in the minutes of the same at the office of each Branch.

(b) A copy of the minutes of each meeting of the National Council and National Executive shall be forwarded by the National Secretary to each member of the National Council and the National Executive and the Secretary of each Branch.

(c) A copy of the minutes of each general meeting of a Branch and of each meeting of the Committee of a Branch shall be forwarded by the Branch Secretary to the National Secretary within fourteen days after the meeting.

(d) Any member shall be at liberty at any reasonable time, on request to the Secretary of the Branch to which such member is attached to inspect a copy of the said minutes or any of them.

## 74 – ORDER OF BUSINESS AND RULES OF DEBATE

(a) At all meetings whatsoever of the Union or of a Branch, the following order of business shall be observed:

 (i) Opening of Meeting;

 (ii) Acceptance of Delegates’ Credentials (where required);

 (iii) Appointment of Agenda Committee (where required);

 (iv) Reading and adoption of minutes of previous meeting;

 (v) Consideration of Agenda Committee’s Report (where required);

 (vi) Correspondence (where required);

 (vii) Auditor’s report and Balance Sheet or other financial report;

 (viii) Elections (where required);

 (ix) Executive or Committee Report;

 (x) Other reports;

 (xi) Other business in order as recommended by Agenda Committee (where required);

 (xii) Consideration of any Notice of Motion rendered at a previous meeting;

 (xiii) General and such other business as the meeting determines;

 (xiv) Closure of meeting.

(b) At all meetings whatsoever of the Union or of a Branch, the following Rules of debate shall be observed:

 (i) Notice of Motion – how given. Any member may at any meeting give notice of motion to be discussed at a future meeting by handing a copy thereof to the Chairperson who shall at once read it to the meeting.

 (ii) Member Desiring to Speak – Any member desiring to speak shall rise in his or her place and address the Chairperson. If two or more members rise at the same time, the Chairperson shall call upon the member who, in his or her opinion, first rose to speak.

 (iii) Member to Resume his or her Seat – any member speaking shall at once resume his or her seat –

 (a) if the Chairperson rises to speak, or

 (b) if a point of order is raised,

 and shall not resume his or her speech until the Chairperson resumes his or her seat or the point of order is decided.

 (iv) Member to Speak Only Once – A member may only speak once on any subject before the chair, except –

 (a) in reply upon an original motion, or

 (b) in explanation or correction of some matter during debate, or

 (c) upon a point of order raised during the debate, or

 (d) upon a resolution being carried that “He or she be now heard”.

 (v) Motion – Duly proposed. When a motion has been duly proposed and seconded, the Chairperson shall at once proceed to take votes thereon, unless some member rises to oppose it or to propose an amendment.

 (vi) Motions – How Dealt With. All motions shall be –

 (a) duly proposed and seconded,

 (b) of an affirmative character,

 (c) the property of the meeting,

 (d) withdrawn only by leave of the meeting.

 A motion may be adjourned from time to time until a decision is arrived at.

 (vii) Motion May be Amended – A motion may be amended at any time during the debate thereon by –

 (a) striking out certain words,

 (b) adding certain words, or

 (c) striking out certain words and inserting others in place thereof.

 (viii) Amendment Becomes the Motion – Upon an amendment being carried, it shall take the place of the original motion and may be further amended until a decision is arrived at.

 (ix) Motions May be Suspended – A motion may be suspended at any time –

 (a) by another motion that it be discharged from the notice paper,

 (b) by a motion that the next business be proceeded with being resolved in the affirmative.

 (x) No More Than Two Members to Speak – Not more than two members shall speak in succession either for or against any question before the meeting, and if at the conclusion of the second speaker’s remarks no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.

 (xi) Time Allowed For Speaking – The mover of any original motion shall be allowed five minutes to introduce it and notwithstanding the closure motion, “That the question be now put” being carried, the mover shall be allowed five minutes in reply. No other member shall be allowed to speak for more than three minutes at any one time unless a majority of the members present by resolution agree to that time limit of any speaker being extended to such lengths as may be specified in such resolution.

 (xii) Motions Cannot Be Again Moved – Any motion agreed to or negatived by the meeting cannot again be moved at or during that meeting.

 (xiii) Motions – How Put. The Chairperson shall put all questions in a distinct, audible voice to the meeting, by asking the “Ayes” to vote first, and afterwards the “Noes” (such votes to be indicated by a show of hands) and shall declare his or her opinion as to which has the majority. Any seven financial members rising may demand a division when the Chairperson shall take the vote by asking the “ayes” to go to his or her right and “noes” to his or her left.

 (xiv) Motion to Disagree with Chairperson’s Ruling – When a motion to disagree with the ruling of the Chairperson has been duly proposed and seconded, the Chairperson shall leave the chair and some Officer or member to be appointed by the meeting shall take the chair until the motion has been disposed of by the meeting. On the mover giving his or her reason for the dissent motion the Chairperson may reply. The motion to disagree with the Chairperson’s ruling shall then be put to the meeting.

 (xv) No Member to Speak – No member shall speak on any question after it has been put by the Chairperson, nor during a division, except to a point of order.

 (xvi) No Member May Vote – No member shall be allowed to vote who was not present when the question was first put.

 (xvii) Members Must Vote on Division – All members present during a division must vote or his or her vote will be counted with the side on which he or she is sitting.

 (xviii) Adjournment of Debate – A motion for the adjournment of the meeting may be proposed at any time, or for the adjournment of the debate at any time during such debate, and shall be at once put to the meeting by the Chairperson, unless time is mentioned. When time is mentioned in a resolution for adjournment of the debate, the discussion shall be strictly confined to the question of time and any amendments in connection therewith.

 (xix) Rescission of Resolutions – No Resolution shall be rescinded at any meeting unless notice of motion, which shall be in writing, has been given at the previous meeting of an intention to move for the rescission of such resolution at the next meeting and unless such motion when moved is carried by a two thirds majority of the members voting.

(c) A majority of members present at any general or special meeting of members of a Branch may by resolution suspend the order of business, but such resolution shall not rescind any resolution previously adopted by the Branch. No such resolution suspending the order of business shall be moved before the reading of the minutes of the previous meeting or after one (1) hour from the commencement of the meeting.

(d) Any member who at any meeting strikes or threatens to strike another member thereat or at such meeting makes use of threatening, obscene or abusive language or attends any such meeting in a state of intoxication may be fined a sum not exceeding $10.00 by the Chairperson of such meeting.

(e) If any member continues to speak after a call to order by the Chairperson, such member may be fined a sum not exceeding $2.00 by the Chairperson.

(f) No member owing any sum for fines under this Rule shall be entitled to be admitted to any meeting of the Union or a Branch.

## 75 – ILLEGAL MEETINGS

Except as provided in these Rules, no officer or member of the Union shall cause or authorise, or permit to be called, or attend a meeting with members of the Union or of a Branch where such meeting is not authorised by the Rules.

## 76 – EQUALITY OF VOTING

Where at a meeting under any of these Rules a person is to be appointed to a position (other than an office or position in the Union or in a Branch of the Union) by the persons present at the meeting and it becomes necessary to choose between two or more of the candidates who have obtained an equal number of votes, the issue shall be determined by the casting vote of the Chairperson of the meeting.

## 77 – DELEGATES AND REPRESENTATIVES

The National Executive of the Union or a Committee of a Branch shall have power to appoint such delegates and/or representatives of the Union or of the Branch respectively as may be necessary or required to represent the Union or the Branch on any body whatsoever upon which it is or is entitled to be represented.

## 78 – CONSTRUCTION OF RULES

In these Rules, except where otherwise clearly intended:

(a) “the Fair Work Laws” means the Fair Work Act 2009 (Cth), the Fair Work (Registered Organisations) Act 2009 (Cth) and the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth), as amended from time to time, and shall include the Regulations made pursuant to any of those Acts;

(b) words importing the singular shall include the plural and vice versa;

(c) words importing the masculine gender shall include the feminine gender;

(d) the “A.F.T.W.U.” shall mean the organisation of employees known and registered under the Industrial Relations Act 1988 (Cth), immediately prior to the 1st July 1992 as The Amalgamated Footwear And Textile Workers’ Union of Australia;

(e) the “C.A.T.U.” shall mean the organisation of employees known and registered under the Industrial Relations Act 1988 (Cth) immediately prior to the 1st July 1992 as The Clothing and Allied Trades Union of Australia;

# PART X – MORTALITY FUNDS

## 79 – MORTALITY FUND

(a) Definitions

 For the purpose of this Rule:

 (i) “the Fund” shall mean “The Textile, Clothing and Footwear Union of Australia Mortality Fund” established pursuant to this Rule; and

 (ii) “the former fund” shall mean the fund in operation pursuant to the Rules of the A.F.T.W.U. on the day immediately preceding 2nd March l987.

 Any Branch which has failed to remit to the Fund any amount (or part thereof) due to the Fund in accordance with this Rule within one month of the amount becoming payable shall be and be deemed to be unfinancial and, if the National Council so decides, the members of the National Council representing that Branch shall not be entitled to participate in any ballot or vote at any meeting of the National Council so long as the Branch remains unfinancial.

 (iii) “The Textile, Clothing and Footwear Union of Australia (Footwear section) Mortality Benefit Fund” shall mean the fund known by that name established by sub-rule 79(b) of the former rules but now terminated by sub-rule 79(j).

 (iv) “Former rules” shall mean the rules as they existed prior to this paragraph coming into effect.[[1]](#footnote-1)

(b) Establishment of Fund

 There shall be established a Fund which shall be called “The Textile, Clothing and Footwear Union of Australia Mortality Fund” for the purpose of paying a mortality benefit upon the death of a financial member of the Union who is employed in the industries in connection with which the Union is registered or who is employed as an officer or organiser of the Union or any Branch thereof or is a life member of the Union. A second purpose of the Fund shall be to pay a benefit of $1,000.00 to a financial or life member on the death of the member’s spouse or de facto partner.

(c) Commencement of Fund

 The Fund shall be deemed to have commenced on the 2nd March l987.

(d) Administration of the Fund

 The Fund shall be administered by the National President and the National Secretary of the Union (hereinafter called “the Administrators”).

(e) Eligibility for Benefits

 A financial member of the Union who:

 (i) is employed in the industries in connection with which the Union is registered; or

 (ii) not being so employed, has not retired from employment in the industries in connection with which the Union is registered; or

 (iii) is employed as an Officer or organiser of the Union or any Branch thereof; or

 (iv) is a life member of the Union;

 shall be a member of the Union eligible for benefit.

(f) Benefit

 Subject to the provisions contained in this Rule, upon the death of a member or life member of the Union eligible for benefit in clause (e) of this Rule, the amount of $1,500.00 shall be paid by the Administrators out of the Fund to the next of kin of such member or life member or to such other person as the Administrators consider appropriate.

(g) Claims

 (a) Upon the death of a member or life member of the Union eligible for benefit, the next of kin or such other person as the Administrators consider appropriate shall make a claim in writing and furnish to the Administrators satisfactory proof of death and any particulars required in connection therewith, provided always that the Administrators may pay the benefits payable under this Rule upon any evidence which in their discretion they consider sufficient.

 (b) Upon the death of a financial member’s or life member’s spouse or de facto partner, the member shall receive a payment of $1,000.00 from the Mortality Fund. Any such claim by a member shall be made on the Fund within a period of 12 months from the date of the death of the member’s spouse or de facto partner. In the event of no claim being made within this period, the amount of benefit shall be forfeited, and no payment shall be made. If required, the member shall provide the National Executive with satisfactory proof of death of the member’s spouse or de facto partner.

(h) Limitation of Claims

 In the event of no claim for benefit being made within a period of 12 months from the date of such member or life member’s death, the amount of benefits shall be forfeited and no payment shall be made.

(i) Fund

 (i) The Fund shall consist of –

 (a) such amount of money held in the former Fund as at 2nd March 1987, and

 (b) contributions made to the Fund in accordance with this Rule.

 (c) all assets are transferred to the Fund from the Textile, Clothing and Footwear Union of Australia (Footwear Section) Mortality Benefit Fund pursuant to sub-rule (j) of this rule.

 (ii) Each Branch shall pay to the Fund prior to 1st June in each year an amount of money per financial member of the Branch as at the end of the immediately preceding March quarter as may be determined from time to time by the National Council.

 (iii) Notwithstanding anything contained elsewhere in this Rule –

 (a) where the balance of the Fund less any outstanding notified claims exceeds $100,000.00 or such other amount as is determined by National Council from time to time, National Council by resolution may require the Administrators of the Fund to transfer such amount in excess of $100,000.00 (or such amount as National Council may have determined) to the National Council, and

 (b) in the event that the balance of the Fund is, at any time, insufficient to satisfy a claim or claims, the National Council shall contribute to the Fund from the funds of the Union such amount or amounts as may be necessary to satisfy such a claim or claims.

 (iv) The National Council may at any time increase, reduce or suspend altogether for any period payment of contributions to the Fund, and, in any event, the level of contributions payable by the Branches shall be reviewed annually by the National Council.

(j) The Textile, Clothing and Footwear Union of Australia (Footwear Section) Mortality Benefit Fund is terminated and all assets and liabilities of the Fund shall be transferred to and become part of the assets and liabilities of the Fund.

(k) Any person who would have been entitled to the payment of a benefit pursuant to rule 79 of the former rules except for the rescission of that rule shall be entitled to claim and be paid that benefit out of the Fund.

(l) If a benefit becomes payable in respect of the death of a person pursuant to sub-rule (k) of this rule, no benefit shall be payable in respect to that death pursuant to sub-rule (e), (f) and (g) of this rule.

## 80 – DELETED

## 81 – TRANSITIONAL

(a) This Rule shall operate to facilitate amalgamation of the South Australian Branch and the

 Tasmanian Branch of the Union.

(b) On and from the date of certification of this Rule, the funds and property of the Tasmanian Branch and the South Australian Branch shall become the funds and property of the South Australian Tasmanian Branch and all liabilities incurred by the South Australian Branch and the Tasmanian Branch prior to the amalgamation shall be met from the funds of the South Australian Tasmanian Branch.

(c) By operation of this Rule all members of the South Australian Branch and Tasmanian Branch shall become members of the South Australian Tasmanian Branch and for the purposes of the Rules of the Union, shall be treated as if they had become members of the South Australian Tasmanian Branch from the date that they joined the South Australian or the Tasmanian Branch, whichever the case.

1. Upon certification of this Rule and the consequent amalgamation of the South Australian Branch and the Tasmanian Branch the following officers shall occupy the offices in the South Australian Tasmanian Branch indicated and hold such offices until the balance of their current term of office expires and thereafter be eligible to stand in the South Australian Tasmanian Branch elections for any office to be held after September 2001:

 **Prior Position in Branch Post amalgamation position in South**

 **Prior to Amalgamation Australian Tasmanian Branch**

 Secretary-South Australian Branch Secretary

 Secretary-Tasmanian Branch Assistant Secretary

 President Joint President

 Vice-President Joint Vice-President

 Trustee Joint Trustee

 Committee Member Committee Member

## 82 – TRANSITIONAL

(a) This Rule shall operate to facilitate amalgamation of the New South Wales and South Australian Tasmanian Branch of the Union.

(b) On and from the date of certification of this Rule, the funds and property of the New South Wales Branch and the South Australian Tasmanian Branch shall become the funds and property of the New South Wales South Australian Tasmanian Branch and all liabilities incurred by the New South Wales Branch and the South Australian Tasmanian Branch prior to the amalgamation shall be met from the funds of the New South Wales South Australian Tasmanian Branch.

(c) By operation of this rule all members of the New South Wales Branch and the South Australian Tasmanian Branch shall become members of the New South Wales South Australian Tasmanian Branch and for the purposes of the Rules of the Union, shall be treated as if they had become members of the New South Wales South Australian Tasmanian Branch from the date that they joined the New South Wales Branch or the South Australian Tasmanian Branch, whichever is the case.

(d) By operation of this rule the current term of each of the officers of the South Australian Tasmanian Branch other than that of the Secretary shall be extended to be synchronised with the elections of the New South Wales South Australian Tasmanian Branch to be declared on or before 4 December 2006.

(e) Notwithstanding the provisions of any other rule, including rule 82, the current term of the office of Secretary of the South Australian Tasmanian Branch shall be contracted to be synchronised with the elections of the New South Wales South Australian Tasmanian Branch to be declared on or before 4 December 2006.

(f) Notwithstanding the provisions of rule 42 the next election for the New South Wales South Australian Tasmanian Branch after this rule comes into affect shall be declared on or before 4 December 2006 and thereafter elections shall be held in accordance with rule 42.

(g) For the purpose of the election to be declared on or before 4 December 2006, notwithstanding the provisions of rule 42(d), the Committee of the Branch shall appoint a Returning Officer to conduct elections for the officers referred to in rule 42(a) on or before 4 September 2006 together with any necessary changes to that rule.

(h) For the removal of doubt the offices of Joint Secretary, Joint President, Joint Vice-President and Joint Trustee created by this rule shall only operate until the declaration of the election on or before 4 December 2006 referred to in this rule. The officers of Joint Secretary, Joint President, Joint Vice-President and Joint Trustee shall have the same powers and functions as Secretary, President, Vice-President and Trustee respectively provided that the joint officers in each case shall act as one.

(i) Upon the certification of this rule and the consequent amalgamation of the New South Wales Branch and the South Australian Tasmanian Branch the following officers shall occupy the offices in the New South Wales South Australian Tasmanian Branch indicated and hold such offices until the balance of their term of office expires or their resignation or they are made redundant and thereafter be eligible to stand in the New South Wales South Australian Tasmanian Branch elections for any office to be declared on or before 4 December 2006:

|  |  |
| --- | --- |
| **Prior Position in Branch** **Prior to Election** | **Post amalgamation position in New South Wales South Australian Tasmanian Branch** |
| Secretary – New South Wales Branch | Joint Secretary |
| Secretary – South Australian Tasmanian Branch | Joint Secretary |
| Assistant Secretary – New South Wales Branch | Assistant Secretary |
| President – New South Wales Branch | Joint President |
| President – South Australian Tasmanian Branch | Joint President |
| Vice-President – New South Wales Branch | Joint Vice-President |
| Vice-President – South Australian Tasmanian Branch | Joint Vice-President |
| Trustee – New South Wales Branch | Joint Trustee |
| Trustee – South Australian Tasmanian Branch | Joint Trustee |
| Committee Member – New South Wales Branch | Committee Member |
| Committee Member – South Australian Tasmanian Branch | Committee Member |

## 83 - TRANSITION TO VICTORIAN QUEENSLAND WESTERN AUSTRALIAN BRANCH

**(a) Introduction**

 (i) The purpose of this rule is to facilitate the amalgamation of the Western Australian Branch with the Victorian Queensland Branch and to facilitate the transition to the Victorian Queensland Western Australian Branch of the union.

 (ii) This rule takes effect as of the date of its certification pursuant to s159 of the Fair Work (Registered Organisations) Act 2009 (‘Amalgamation Date’).

 (iii) The provisions of this rule prevail over anything contained elsewhere in these rules to the extent of any inconsistency.

 (iv) In this rule:

 a. ’Victorian Queensland Branch’ means the Victorian Queensland Western Australian Branch of the Union as it was named immediately prior to the Amalgamation Date;

 b. ‘Western Australian Branch’ means the Western Australian Branch of the Union as it existed immediately prior to the Amalgamation Date.

**(b) Renaming and alteration of area of Victorian Queensland Branch**

On and from the Amalgamation Date:

 (i) the Victorian Queensland Branch is renamed as the Victorian Queensland Western Australian Branch; and

 (ii) the area embraced by the Victorian Queensland Western Australian Branch is altered to include, in addition to the States of Victoria and Queensland, the State of Western Australia.

**(c) Amalgamation of Western Australian Branch with Victorian Queensland Western Australian Branch**

On and from the Amalgamation Date, the Western Australian Branch will disband and amalgamate with the Victorian Queensland Western Australian Branch.

**(d) Transfer of Members and Shop Stewards**

On and from the Amalgamation Date:

 (i) each member of the Western Australian Branch will become a member of the Victorian Queensland Western Australian Branch, with each prior period of financial membership or unfinancial membership with the Western Australian Branch deemed to be a period of financial membership or unfinancial membership respectively with the Victorian Queensland Western Australian Branch.

 (ii) each life member of the Western Australian Branch will become a life member of the Victorian Queensland Western Australian Branch; and

 (iii) each Shop Steward of the Western Australian Branch elected pursuant to Rule 48 will become a Shop Steward of the Victorian Queensland Western Australian Branch.

**(e) Transfer of Assets and Liabilities of the Western Australian Branch**

On and from the Amalgamation Date:

 (i) All of the assets, funds and property of the Western Australian Branch will become assets, funds and property of the Victorian Queensland Western Australian Branch; and

 (ii) All of the debts and liabilities of the Western Australian Branch will become the debts and liabilities of the Victorian Queensland Western Australian Branch.

**(f) Renaming, Abolition and Establishment of Offices**

 (i) On and from the Amalgamation Date:

 (a) The offices of the Victorian Queensland Branch listed in Column 1 of Table 1 are renamed as provided for in Column 2 of Table 1; and

 (b) The persons holding the offices listed in Column 1 of Table 1 immediately prior to the Amalgamation Date will continue to hold those renamed offices as provided for in Column 2 of Table 1.

 (ii) On and from the Amalgamation Date:

 (a) The offices of the Western Australian Branch listed in Column 1 of Table 2 are abolished (‘the abolished offices’);

 (b) The corresponding office of the Victorian Queensland Western Australian Branch listed in Column 2 of Table 2 are established (‘the corresponding new offices’);

 (c) A person holding an abolished office immediately prior to the Amalgamation Date, in respect of which there is a corresponding new office listed in Column 2 of Table 2, will hold the corresponding new office for an interim period pending elections for the corresponding new office in accordance with sub-rule (g);

 (d) Persons holding an abolished office immediately prior to the Amalgamation Date, in respect of which there is no corresponding new office listed in Column 2 of Table 2, will cease to hold office.

**TABLE 1**

|  |  |
| --- | --- |
| **Former name of office**  | **Renamed office**  |
| Victorian Queensland Branch President  | Victorian Queensland Western Australian Branch President  |
| Victorian Queensland Branch Vice President  | Victorian Queensland Western Australian Branch Vice President  |
| Victorian Queensland Branch Secretary  | Victorian Queensland Western Australian Branch Secretary  |
| Victorian Queensland Branch Assistant Secretary  | Victorian Queensland Western Australian Branch Assistant Secretary  |
| Victorian Queensland Branch Trustees (x2)  | Victorian Queensland Western Australian Branch Trustees (x2)  |
| Victorian Queensland Branch Extra National Councillor  | Victorian Queensland Western Australian Branch Extra National Councillor  |
| Committee member (Victorian Queensland Branch) – Victoria (x5)  | Committee member (Victorian Queensland Western Australian Branch) – Victoria (x5)  |
| Committee member (Victorian Queensland Branch) – Queensland (x2)  | Committee member (Victorian Queensland Western Australian Branch) – Queensland (x2)  |

**TABLE 2**

|  |  |
| --- | --- |
| **Abolished Office** | **Corresponding New Office** |
| Western Australian Branch President  | [n/a]  |
| Western Australian Branch Vice President  | [n/a]  |
| Western Australian Branch Secretary  | Committee member (Victorian Queensland Western Australian Branch) – Western Australia  |
| Western Australian Branch Trustees (x2)  | [n/a]  |
| Western Australian Committee Member (x1)  | [n/a]  |
| National Councillor representing Western Australian Branch  | [n/a]  |

**(g) Elections for office of Committee member – Western Australia**

 (i) Election for the office of Committee member – Western Australia (“Transitional Election”) will be commenced by the appointment of a returning officer no later than 1 June 2015.

 (ii) The person who holds the office of Committee member – Western Australia pursuant to sub-rule (f)(ii)(c) and Table 2 shall continue to hold the office until the declaration of the Transitional Election, and shall be eligible for re-election.

 (iii) The term of office of the person elected to the office of Committee member – Western Australia in the Transitional Election shall end on 10 July 2018.

 (iv) Subject to this rule, election for the office of Committee member – Western Australia in the Victorian Queensland Western Australian Branch shall be in accordance with rule 42.

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

1. Sub-rule 79(a)(iv) certified on 12 June 2003 (R2003/189) [↑](#footnote-ref-1)