United Firefighters’ Union of Australia

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 121 both inclusive contain a true and correct copy of the registered rules of the United Firefighters’ Union of Australia.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION
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Note: This table of contents has been generated by Fair Work Australia as an aid to using the rulebook, however it does not form part of the registered rules of the organisation. No reliance should be placed on the table of contents in interpreting the rules.
The name of the Union shall be the “United Firefighters' Union of Australia”.

2 - INTERPRETATION

(1) (a) So far as is consistent with their express provisions these Rules are to be construed so as not to be contrary to any provision of the Act or the Regulations or an Award and so as not otherwise to be contrary to law and so as not to exclude the jurisdiction of any relevant court.

(b) Words importing the masculine gender shall be taken to include females and the singular to include the plural and the plural the singular.

(2) “Associated Body” means:-

New South Wales Fire Brigade Employees Union, an industrial union of employees registered under the Industrial Arbitration Act 1940 as amended (NSW); 267 Sussex Street, Sydney, 2000;

United Firefighters' Union, Victorian Branch, an unincorporated association of firefighting employees; 410 Brunswick Street, Fitzroy, 3065;

United Firefighters' Union of Australia, Union of Employees, Queensland, an industrial union of employees registered under the Conciliation and Arbitration Act 1961 as amended (Qld); Level 3 T&LC Building, 16 Peel Street, South Brisbane, 4101;

United Firefighters Union of South Australia Incorporated, an association of employees registered under the Industrial Conciliation and Arbitration Act 1972 as amended (S.A.), 148 South Road, Torrensville, 5031;

The West Australian Fire Brigade Employees' Industrial Union of Workers, an industrial union of employees registered under the Industrial Arbitration Act 1979 as amended (W.A.); 63 Railway Parade, Mount Lawley, 6050; and

United Firefighters' Union (Tasmanian Branch) an unincorporated association of firefighting employees; Suite 34 Level 3, Trafalgar on Collins, 110 Collins Street, Hobart, 7000.

(3) So far as is consistent with their express terms all resolutions, decisions and directions purporting to be made or given pursuant to these Rules are to be construed as within the power of the Union and of the body or person making or giving the same.

(4) In these Rules unless inconsistent with the context or subject matter:-

“the Act” means the Industrial Relations Act 1988.

“Award” means an award made or an industrial agreement certified under the Act and binding on the Union.

“Branch employee” means a person employed on behalf of the Union by a Branch.

“Branch fund” means the money (whether in a Bank or not) and investments which under these Rules are to be managed and controlled by a Branch.

“Branch liability” means a liability of the Union which is the responsibility of a Branch under these Rules.
“Branch meeting” means an annual meeting, general meeting or a special meeting of a Branch.

“Branch money, property, effect, record or document” means respectively money, property, or an effect, record or document which under these Rules is to be managed and controlled by a Branch.

“Branch Officers” means Branch Presidents, Vice-Presidents, Secretaries, Assistant Secretaries, Trustees or any other Branch Committee of Management position created in accordance with these Rules.

“financial unit” means the monetary amount equivalent to 5% of the Total Weekly Rate of pay of a Senior Firefighter in the New South Wales Fire Brigades as at 1 July in each year, rounded upwards to the nearest dollar. An amount calculated by reference to “financial units” is inclusive of any applicable GST.

“Full time firefighter” means a firefighter or fire officer who is not employed as a partially paid, retained or volunteer firefighter, provided that if a member is employed as both a full time firefighter and a part time firefighter then that member will be considered to be a full time firefighter only for the purposes of these rules.

“General election” means any election which is not a by-election.

“Member” means a member of the Union.

“National Administration” means the organisation within the Union consisting of the National Committee of Management and its members and the National Executive and its members.

“National Committee of Management Election Meeting” means the first Annual Meeting of the National Committee of Management and every third Annual Meeting thereafter.

“National employee” means a person employed on behalf of the Union by the National Administration.

“National fund” means the money (whether in a Bank or not) and investments which under these Rules are to be managed and controlled by the National Administration.

“National liability” means a liability of the Union which is the responsibility of the National Administration under these Rules.

“National money, property, effect, record or document” means respectively money or property or an effect, record or document which under these Rules is to be managed and controlled by the National Administration.

“National Officers” means the National President and the National Secretary.

“Offence” by a member or officer of the Union when used in these Rules shall include without limiting the generality thereof any of the following:

(i) Misappropriation of the funds of the Union;

(ii) A substantial breach of the Rules of the Union;

(iii) Gross misbehaviour or gross neglect of duty.

“Part time firefighter” means a partially paid, retained, auxiliary, seasonal or volunteer firefighter who is not employed as a full time firefighter.
“Penalty” means any reprimand, fine, suspension of or expulsion from membership under Rules 37 or 82 and any removal from office under Rules 38 or 83.

“Postal address” of a member in relation to the posting of ballot papers by National Returning Officer or a Branch Returning Officer or the giving of any document or notice to a member means the postal address shown in the Branch register unless the Branch Secretary has since the entry of that address in the Branch register received notification from the member of a changed postal address in which case this changed postal address shall be the postal address of the member.

“Professional Officer” means a person appointed and employed by the Union to undertake either industrial relations or research work.

“quarter” means any of the three-month periods in each year beginning 1 January and ending 31 March, beginning 1 April and ending 30 June, beginning 1 July and ending 30 September, and beginning 1 October and ending 31 December.

“Regulations” means the Regulations made under the Act.

“Returning Officer” shall be taken to include either a Branch or National Returning Officer.

“Rescue and Firefighting Unit” means any Firefighting Station at an airport where members of the Aviation Branch of the Union are employed.

“unfinancial Branch” means a branch which has not paid monies payable to the National Secretary under rule 29 in respect of any two or more quarters. The Branch would become unfinancial in accordance with this definition upon the last day of the second quarter and remain unfinancial until all unpaid monies are paid. For the avoidance of doubt, the quarters do not have to be consecutive, and a Branch ceases to be unfinancial when all outstanding unpaid monies are paid.

“Union” means the Union formed under these Rules.

3 - BINDING EFFECT OF RULES

Members of the Union shall be bound by these Rules.

4 - INDUSTRY

The Industry in or in connection with which the Union is registered is the industry or industries of -

(1) the prevention, suppression or extinguishment of fires;

(2) the protection of life and property through the provision of rescue services at the scene of accidents, explosions or other emergencies other than in the capacity of a registered Medical Practitioner and other than the provision of ambulance rescue services in the State of New South Wales;

(3) the handling of spillages of toxic or hazardous materials and the disposal of those in emergency situations; or

(4) the sale, supply, installation, maintenance, repair and/or inspection of fire protection equipment other than fixed or semi-fixed fire protection systems.
5 - OBJECTS

Without limiting the generality of the foregoing, such industry or industries shall include persons referred to in subparagraphs (1) to (4) above employed -

(a) by the Australian Public Service, the service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not;

(b) in the service of any public institution or authority of the Australian Capital Territory whether such service is in the Australian Public Service or not;

(c) by a Fire Brigade Board, Commission, or Authority;

(d) in the service of any public institution or Authority of a State Government or a Territory Government the duties of which are not materially different to those of persons employed by a Fire Brigade Board, Commission or Authority, except for persons employed by -

(i) In the State of Victoria: Port of Melbourne Authority;

(ii) In the State of South Australia: Department of Marine and Harbours: National Parks and Wildlife Service and Engineering and Water Supply Department;

(iii) In the State of Western Australia: Department of Conservation and Land Management and Water Authority of Western Australia;

(e) in private industry, in any rank, grade or classification of industrial fire fighter or industrial fireman or in any employment the duties of which are not materially different from the duties of one of these employments or in any position in respect of which the duties are similar to those of persons employed by any Fire Brigade Board, Commission or Authority.

5 - OBJECTS

The objects of the Union are as follows:

(1) to further and protect the interests of its members;

(2) to improve the working conditions and the general welfare of its members;

(3) to improve the position of its members by increasing their proportionate share of the national wealth and by endeavouring to educate them towards the socialisation of the means of production, distribution and exchange;

(4) to uphold the rights of organised labour;

(5) to endeavour by conference or otherwise to prevent any threatened, impending or probable dispute or cessation of work and endeavouring by conciliatory measures to uphold the interests of the Union and its members in the settlement of a dispute and if such endeavours fail, providing ways and means of supporting any of its members involved in a dispute;

(6) to act as agent for any member of the Union in any matter pertaining to the member's privileges, rights and duties as an employee and in any matter pertaining to the relationship between the member and his/her employer.
5 - OBJECTS

(7) to secure the election of working class representatives in Parliament and to promote such legislative enactments as will ensure industrial justice to the Australian working class;

(8) to preserve and advance civil liberties;

(9) insofar as is consistent with the registration of the Union under the Act, to register any of the Branches of the Union under any State Trade Union, Industrial Arbitration, Industrial Conciliation and Arbitration, Co-Operation or like Act;

(10) to ensure its members absolute and complete freedom of political and religious conviction;

(11) to advance the efficiency of the services of fire prevention, suppression and extinguishment throughout the Commonwealth of Australia;

(12) to co-operate with and assist other organisations, associations, institutions and groups in the pursuit of these Objects;

(13) to affiliate to, federate and amalgamate with or in any manner associate with any trade union or industrial union or other organisation associations or institutions having objects similar in the whole or in part to the objects of this Union;

(14) to purchase or otherwise acquire and undertake all or any part of the property, assets, and liabilities of any one or more of the organisations or associations with which the Union is authorised to amalgamate, affiliate, or otherwise in any manner associate;

(15) to transfer all or any part of the property, assets and liabilities of the Union to any one or more organisations or associations with which the Union is authorised to amalgamate, affiliate, or otherwise in any manner associate;

(16) to uphold the rights of labour and to represent members of the Union in the peak councils of the trade union movement and in international forums or organisations;

(17) to promote the extension of the Union throughout Australia;

(18) to do anything authorised or required by these Rules;

(19) to do anything authorised or required by the Act, the Regulations or an Award;

(20) to raise money by levies and/or other means or disburse funds for any of the purposes of the Union;

(21) to raise or disburse funds for investigating the methods of attaining these objects of the Union;

(22) to affiliate with and support financially political parties;

(23) to establish and support financially or aid in the establishment and financial support of associations, institutions, funds, trusts, recreational, educational and health facilities, and other conveniences calculated to benefit members of the Union or their dependants or connections;

(24) to support financially, maintain, conduct, own in whole or in part or subsidise any newspaper, Union journals or other publication or any company publishing a newspaper or other publication advocating the cause of the working class;
5 - OBJECTS

(25) to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property;

(26) to borrow money and to give security for its repayment;

(27) to do anything which it is required to do by law;

(28) to do all such other things as are incidental or conducive to the attainment of these objects of the Union and the exercise of its powers;

(29) to enter into contracts and agreements for the purposes of furthering directly or indirectly any one or more of these objects;

(30) to determine actions on matters of concern to members in relation to international affairs and to carry out these actions internationally;

(31) to provide financial assistance to members and their dependants in the pursuit of these Objects at the Union's sole and absolute discretion;

(32) to provide legal assistance to members at the Union's sole and absolute discretion;

(33) to provide from time to time such services to and for members as shall be determined;

(34) to establish funds for mutual assistance and support in the carriage of these objects;

(35) to elect officers and to appoint and employ Professional Officers and employees for the furtherance of the Union's Objects and to remunerate such persons by salaries, wages, honoraria and other payments and benefits;

(36) to make contributions to the financing of superannuation schemes or retirement funds for the benefit of the elected Officers, appointed and employed Professional Officers and employees and to enter into such arrangement as may be necessary for that purpose;

(37) to subscribe to any charity, or to make donations for any public purpose or for any purpose in direct or indirect furtherance of any object of the Union.

(38) to further any scheme that has for its objects the establishment of a Labour research and information bureau and to assist in the establishment and maintenance of labour and trade union radio broadcasting and television stations and to invest in shares in such radio and television stations;

(39) to hold, purchase, lease, sell, mortgage or otherwise union property;

(40) to attain such other objects as the National Committee of Management shall from time to time determine;

(41) to further and give support to underprivileged people and disadvantaged peoples;

(42) to advance the cause of peace and friendship throughout the world.
(3) Notwithstanding the provisions of this Rule no penalty shall be imposed by a Committee of Management on any Branch or member unless the meeting of the Committee of Management was summoned in accordance with these Rules and unless the persons voting for the resolution imposing the penalty and participating in the debate upon the resolution were regularly elected or appointed members of the Committee of Management.

48 - IMPLIED AND INCIDENTAL POWERS

Each body or Officer constituted or provided for by these Rules -

(a) may exercise all powers and shall perform all duties given to such body or such Officer by these Rules expressly or by implication;

(b) may do all such other things as are incidental or conducive to the attainment of the objects of the Union and the exercise of the powers and the performance of the duties of such body or Officer.

49 - AMENDMENT OF RULES

Any of these Rules may be altered, amended or rescinded or new Rules may be substituted as follows:

(1) Upon receiving a direction from the National Committee of Management or the National Executive or a request from any Branch meeting or Branch Committee of Management to call a meeting of the National Committee of Management to consider a proposed alteration, amendment, rescission or substitution of these Rules, the National Secretary shall summon such a meeting as soon as practicable.

(2) The National Secretary shall summon a meeting of the National Committee of Management under this Rule by giving to all members of the National Committee of Management and all Branch Secretaries at least twenty-eight days’ notice by ordinary post of details of the proposal and the time, date and place of the meeting.

(3) At a meeting held under this Rule the National Committee of Management shall (without it being necessary for any person to move or second the proposal) consider the proposal and may resolve that the alteration, amendment, rescission or substitution be made either as proposed or as amended by the National Committee of Management.

(4) The National Secretary shall publicise any Rule change adopted by the National Committee of Management within 14 days after the date of a resolution by written notices thereof being displayed and made available to the members at the registered offices and websites of the Union and each Branch and as far as practicable in other ways likely to come to the attention of the members.

(5) If within 28 days after the date of a resolution under the preceding Sub-Rule the National Returning Officer receives a written request for a plebiscite upon the decision of the National Committee of Management.

(a) signed by at least one-tenth of the financial members of the Union; or

(b) from at least two Branches