

[128V-COM: - Incorporates alterations of 25 May 2018 certified in matter R2018/115]  
Replaces 10 March 2017 version)

I CERTIFY under section 161 of the Fair Work (Registered Organisations)  
Act 2009 that the pages herein numbered 1 to 79 inclusive contain a true and  
correct copy of the registered rules of the Communications Division  
of the Communications, Electrical, Electronic, Energy, Information, Postal,  
Plumbing and Allied Services Union of Australia.

DELEGATE OF GENERAL MANAGER  
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently  
in force may be directed to any office of the Fair Work Commission.]

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## SECTION 1 - GENERAL

### 1 - NAME

The name of the Division is the Communication Workers Union Division, known as the Communications Division or the CWU Division.

### 2 - CONSTITUTION

The Division shall consist of those persons eligible for membership of the union as defined in Rule 2.5 to 2.21 inclusive of Section A to these rules.

### 3 - OBJECTS

The objects for which the Division is established are:

- (a) By the provision and distribution of funds and by all other lawful means:
  - (i) to improve and protect the economic conditions, job security, working conditions, the quality of life and other industrial concerns of members;
  - (ii) to improve and protect the relations between employees and employer and between employee and employee;
  - (iii) to promote the general and material welfare of members;
  - (iv) to pursue and assist kindred organisations by affiliation and other means in upholding the rights and privileges of workers by industrial, political and municipal action and to bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises;
  - (v) to provide legal assistance where deemed necessary, in the defence of the rights of members or in pursuance of the aspirations of members;
  - (vi) to endeavour by political and industrial action to secure social justice, and to establish and maintain journals and other publications containing matters of interest and information for members;
  - (vii) to achieve the establishment of one amalgamated union covering all workers in the communications industry;
  - (viii) to promote the policy of equality of status and opportunity for all members;
  - (ix) to acquire property of all kinds;
  - (x) to assist and permit branches in establishing incidental funds to assist members or their families when in distressed circumstances;
  - (xi) to assist in the establishment and/or maintenance of labour newspapers and other media;
  - (xii) to do all other things necessary for the proper functioning of the Union in accordance with the Rules;
  - (xiii) to promote and pursue equal opportunities and affirmative action.

- (b) Payments made in furtherance of any of the objects shall be deemed to be part of the ordinary expenses of the Union and made in accordance with the provisions of the Act.

#### 4 - DEFINITIONS

In the interpretation of these Rules the following definitions shall be taken as a guide:

- (a) "Conference" means the Conference constituted by Rule 5.
- (b) "Special Conference" means the Conference constituted by Rule 6.
- (c) "Divisional Executive" means the Executive constituted by Rule 11.
- (d) "The Act" means the Fair Work (Registered Organisations) Act, the Regulations and Rules made thereunder, or any Act, Regulations or Rules replacing or amending such Act, Regulations or Rules.
- (e) "Branch" means a Branch of the Division constituted by Rule 44.
- (f) "Committee of Management" means the Committee of Management of a Branch constituted by either Rule 75.
- (g) "Division" shall mean the Communications Division.
- (h) "Sub-Branch" means a Sub-Branch constituted in accordance with Rule 78.
- (i) "Re-election" means the election to an office or position of a person who, at the time of nominations for the election, was the holder of that office or position.
- (j) Reference to "these Rules" means section D- Rules of the Communications Division, unless otherwise specified.
- (k) 'Divisional Councils' shall mean the Postal Divisional Council and the Telecommunications Divisional Council as constituted by Rule 43.
- (l) "Head Office" means the Head Office of the Communications Division.
- (m) "Industry Groups" shall mean the Postal Services Industry Group and the Telecommunications and Information Technology Industry Group. The Postal Services Industry Group shall be constituted by members in the Postal Services Industry Sections and the Postal Industry Sections. The Telecommunications and Information Technology Industry Group shall be constituted by members in the Telecommunications and Information Technology Industry Sections, the Lines and General Sections, the Technical Industry Sections and the Operator Industry Sections.
- (n) "Industry Section" shall mean either the Postal Services Industry Section, the Telecommunications and Information Technology Industry Section, the Postal Industry Section, the Lines and General Industry Section, the Technical Industry Section and the Operator Industry Section as constituted by Rules 46, 46A and 46B.
- (o) "Divisional Section" shall mean the Divisional Sections of the Communications Division as constituted by Rule 46 of these Rules on the day prior to the certification of this Sub-rule.

#### 4A - DEFINITIONS

- (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 person or body**: A person is a declared person or body if:
  - (i) an officer of the Division/branch has disclosed a material personal interest under [sub-rule 4D]; and
  - (ii) the interest relates to, or is in, the person or body; and
  - (iii) the officer has not notified the Division/branch that the officer no longer has the interest.
- (d) **financial duties** includes duties that relate to the financial management of the Division or a branch of the Division.
- (e) **General Manager** means the General Manager of 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 or sister of the person; or
  - (ii) the spouse of the first mentioned person.
- (l) **relevant remuneration** - in relation to an officer of the Division/branch for a disclosure period is the sum of the following:
  - (i) any remuneration disclosed to the Division/branch by the officer under rule 4C during the disclosure period;
  - (ii) any remuneration paid during the disclosure period, to the officer of the Division/branch;

#### 4C - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

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- (m) **relevant non-cash benefits** in relation to an officer of the Division/branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Division/branch or by a related party of the Division/branch.
- (n) **remuneration**
  - (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
  - (ii) does not include a non-cash benefit; and
  - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

#### 4B - DIVISION/BRANCH POLICIES AND PROCEDURES

The Division/branch shall develop and implement policies and procedures relating to the expenditure of the Division/branch.

#### 4C - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

##### 4C.1 Rule for Divisional Officers

- (a) Each officer of the Division shall disclose to the Division 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 Division; or
    - b. the officer was nominated for the position as a member of the board by the CEPU, a Division, a branch of the Division, or a peak council; or
  - (ii) by any related party of the Division in connection with the performance of the officers' duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the Division:
  - (i) as soon as practicable after the remuneration is paid to the officer; and
  - (ii) in writing.
- (c) The Division shall disclose to the members of the Division and its branches:
  - (i) the identity of all officers, and



- (ii) for those officers:
  - a. the actual amount of the officers' relevant remuneration for the disclosure period; and
  - b. either the value of the officers' 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.

#### **4C.2 Rule for Divisional Branches**

- (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 CEPU, a Division, a branch of the Division 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 all officers, and
  - (ii) for those officers:
    - a. the actual amount of the officers' relevant remuneration for the disclosure period; and
    - b. either the value of the officers 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.

#### **4D - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS**

##### **4D.1 Rule for Divisional Officers**

- (a) Each officer of the Division shall disclose to the Division 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 Division.
- (b) The disclosure required by sub-rule (a) shall be made to the Division:
  - (i) as soon as practicable after the interest is acquired; and
  - (ii) in writing.
- (c) The Division shall disclose to the members of the Division and its branches any interests disclosed to the Division 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.

##### **4D.2 Rule for Divisional Branches**

- (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 Branch.
- (b) The disclosure required by sub-rule (a) shall be made to the branch:
  - (i) as soon as practicable after the interest is acquired; and
  - (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.

#### **4E - DISCLOSURE BY DIVISION/BRANCH OF PAYMENTS**

##### **4E.1 Rule for Divisional Officers**

- (a) The Division shall disclose to the members of the Division and its branches either:
  - (i) each payment made by the Division, during the disclosure period:
    - a. to a related party of the Division or of a branch of the Division; or
    - b. to a declared person or body of the Division or a branch of the Division; or
  - (ii) the total of the payments made by the Division, during the disclosure period:
    - a. to each related party of the Division; or
    - b. to each declared person or body of the Division.
- (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 Division or Branch from remuneration payable to officers or employees of the Division or Branch; or
  - (ii) the related party is an officer of the Division or Branch, and the payment:
    - a. consists of remuneration paid to the officer by the Division or 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.

**4E.2 Rule for Divisional Branches**

- (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 Division or Branch from remuneration payable to officers or employees of the Division or Branch; or
  - (ii) the related party is an officer of the Division or Branch, and the payment:
    - a. consists of remuneration paid to the officer by the Division or 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.

**4F - OFFICERS TO UNDERTAKE APPROVED TRAINING**

Each person who holds an office in the Divisional Office or a Divisional Branch (within the meaning of the Fair Work (Registered Organisations) Act 2009), whose duties include financial duties, must comply with all of the following:

- (i) The person must undertake training approved by the General Manager of the Fair Work Commission under section 154C of the Fair Work (Registered Organisations) Act 2009;
- (ii) The training so undertaken must cover each of the person's financial duties;
- (iii) The training so undertaken must be completed within 6 months after the person begins to hold the office.

## 5 - DIVISIONAL CONFERENCE

- (a) There shall be a Divisional Conference, which, except on matters decided by plebiscite of the membership, shall be the supreme governing body of the Division, and which shall be held biennially at a place and on a date to be fixed by the Divisional Executive.
  - (b) Conference shall be constituted by delegates elected by the several Branches of the Division together with the Divisional Officers as provided by Rule 20.
  - (c) The Divisional Officers referred to in sub-rule (b) above shall be entitled to move or second and to vote on any proposal.
  - (d) Representation at the Divisional Conference shall be on the basis of one (1) delegate for each two thousand (2,000) members or part thereof for each Industry Section within each Branch. For the purposes of this Rule the number of members for an Industry Section shall be the actual number of financial members at the end of the financial year preceding the year of elections.
  - (f) A delegate who:
    - (i) cannot attend a meeting of the Divisional Conference, the Branch Committee of Management may appoint a Branch Committee of Management member representing the same Divisional Section (or in the absence of a member representing the same Divisional Section may appoint a member of the Branch Committee of Management representing the same Branch) as the absent delegate to attend the meeting as his or her proxy; or
    - (ii) cannot attend a session(s) of a meeting of the Divisional Conference may appoint another delegate present at the meeting who represents the same Branch as his or her proxy for that session(s).
- Proxies shall have the same rights, duties and powers of the absent delegate they are representing and shall exercise the votes of the absent delegate in addition to any existing voting entitlement of their own.
- (g) The voting power of Officers and delegates upon all questions shall be as follows:
    - (i) For delegates the voting power shall be calculated by reference to the number of financial members represented, divided by one hundred, rounded up to the next whole number, and further divided by the number of delegates representing the same electorate. Where the number of delegates votes calculated, do not divide amongst the number of delegates to produce a whole number for each delegate in an electorate, the votes remaining after equal apportionment to delegates are to be distributed in the manner determined by the Branch Committee of Management in that electorate, or in the absence of such determination, in the manner determined by the majority of delegates representing that electorate.
    - (ii) For the purposes of determining the number of financial members as set out in Rule 5(g)(i) it shall be the number of financial members as at 31st March in each year. In determining the voting power for an Industry Section or Branch, each Branch Secretary shall forward to the Divisional President, no later than one (1) month after the end of the financial year the number of financial members for an Industry Section or Branch as at 31st March in that year.

The Divisional President and the Divisional Secretary will notify the Branch Secretary, Divisional Executive and Divisional Secretary of the voting power of the Industry Section or Branch. The voting power determined under this sub-rule will apply from 1st June in that same year. Provided that any question which may be in the course of decision by postal voting at the 1st June, the voting power shall be that applying at the time the question was moved.

- (iii) The Divisional Officers shall have five votes each. Provided that where a Divisional Officer is also a Branch Delegate the Divisional Officer shall only exercise the voting power he or she has as a Branch Delegate.
- (h) A proposal is decided in the affirmative if sixty percent (60%) of votes are cast in favour. Provided that any proposal to alter Rules 44, 46, 46A, 46B, 75, 76 and 76A shall be decided in the affirmative if seventy five percent (75%) of votes are cast in favour.
- (i) No Branch shall be entitled to be represented at Divisional Conference until all monies due under these Rules including members' contributions to the Divisional Conference have been fully paid up to the end of the financial quarter last preceding the opening date of Divisional Conference. Further, where a Branch has entered into deferred payment arrangements pursuant to Rule 47A it shall not be entitled to be represented at Divisional Conference unless it is complying with those arrangements.

Each Branch shall supply a membership return and a statement of accounts by a date nominated by the Divisional Executive of which notice shall be given to each Branch by the Divisional Executive.

Provided that Divisional Conference, constituted without the members of the Conference from the Branch and/or Industry Section in default, may decide that in special circumstances the provision of this sub-rule shall not apply subject to any time limit or any other condition specified by Conference so constituted.

- (j) The Divisional Executive shall defray all expenses connected with the organisation and holding of the Divisional Conference from the funds of Divisional Conference unless specifically excluded by this sub-rule.

Delegates shall be entitled to receive payment from the Divisional Executive for expenses incurred in attending Divisional Conference. The amount to be paid by the Divisional Executive shall be determined by Divisional Conference but shall not include payment for loss of pay incurred by delegates attending Divisional Conference.

The Divisional Executive shall pay the transportation costs of delegates attending Divisional Conference. Transportation costs shall be the cost of an economy class return airfare from the delegates home station.

Each Branch of the Union shall reimburse delegates representing that Branch at Divisional Conference for any loss of pay incurred in attending Divisional Conference.

- (k) The order of business at Divisional Conference shall be:
- (i) Hours of Sitting.
  - (ii) Credentialling of delegates and voting rights.
  - (iii) Reading and Confirmation of Minutes.
  - (iv) Divisional Executive and Branch Financial Statements and Union Finances.
  - (v) Divisional Secretary's Report and Divisional President's Report.
  - (vi) Divisional Executive Report and Business Arising.
  - (vii) Branch Reports and Business Arising.
  - (viii) Agenda Items.
  - (ix) Fixing of Salaries and Entitlements.
  - (x) Urgent Late Business.
- (l) Conference shall be properly constituted when at least fifty percent of Officers and fifty percent of delegates (including delegates from at least 50% of Branches) are present.

### **6 - SPECIAL CONFERENCE**

- (a) A Special Conference may be called at any time by the Divisional Secretary and Divisional President or by resolution of the Divisional Conference and/or Divisional Executive, or when called for by requisition signed by Delegates to Divisional Conference representing a majority of votes eligible to be cast in 40% of Branches or signed by at least 50% of Branch Secretaries. Where the Conference is called for by such Delegates or Branch Secretaries, the Divisional Secretary shall arrange for the Conference to be held within one month of receipt of the requisition. Seven days notice of the date or dates of the Conference shall be given to each Branch and to the Officers and delegates to the Special Conference.
- (b) A Special Conference shall be constituted in the same manner as provided for the Divisional Conference in rule 5 and the Officers and Delegates who constitute the Divisional Conference shall be the Officers and Delegates to constitute the Special Conference.
- (c) A Special Conference shall be properly constituted if at least fifty percent of Officers and fifty percent of Delegates (including Delegates from at least 50% of Branches) are present.
- (d) Business for consideration of a Special Conference shall be included in the notice to Branches relating to the holding of the Conference, and it shall be competent for the Conference to make new Rules or to rescind or amend any of the existing Rules, regarding which no notice was given until after the dispatch of the notice to Branches relating to the holding of the Conference, further provided that any alteration and/or addition to the Rules as decided upon shall have no force or effect unless and until ratified by Branches after the close of the Conference.

Provided further that the question of the admission of any business for consideration under the provisions of this Rule shall be determined by the method of voting prescribed in Rule 6 in relation to questions which have appeared on the business agenda.

- (e) At a Special Conference -
- (i) the voting power of Officers and Delegates on all questions; and
  - (ii) the entitlement of Branches and Industry Sections to be represented at the Special Conference; and
  - (iii) the expenses of Delegates and all other expenses connected with the Special Conference;

Shall be as provided for in Rule 5.

## 7 - POWERS OF CONFERENCE

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- (f) Subject to the provisions of paragraph (d) of this Rule, all or any of the powers of the Divisional Conference may be exercised by the Special Conference, and the decisions of the Special Conference shall have the same force and effect as if made by the Divisional Conference.
- (g) No Branch shall be entitled to be represented at Special Conference unless Rule 5(i) has been complied with.

### 7 - POWERS OF CONFERENCE

The Divisional Conference shall be the highest deliberative body of the Division, shall manage the affairs of the Division subject to control by members as provided in the Rules and shall have power to:

- (a) lay down the industrial and political policy of the Division;
- (b) submit to members for decision such matters as the Divisional Conference may deem proper;
- (c) implement the policy of the Division in matters both industrial and political affecting the interests of the members;
- (d) initiate, manage and control any action, proceeding or submission in respect of any industrial dispute in accordance with current industrial action policy;
- (e) on behalf of the Division, enter into, make or vary industrial agreements, awards or determinations;
- (f) incur all expenses necessary for the proper conduct of the business of the Division and pay all accounts so incurred, provided that a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Division, unless Conference has:
  - (i) satisfied itself that the making of the loan, grant or donation would be in accordance with the Rules of the Union;
  - (ii) in relation to a loan - has satisfied itself 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
  - (iii) approved the making of the loan, grant or donation;
- (g) subject to (f) above, advance generally the objects of the Division and for that purpose vote and expend money for political and industrial affiliations that are made following decisions ratified by members under the Rules;
- (h) endorse or otherwise Branch industrial affiliations under the Rules;
- (i) impose and collect all levies, fines, fees, subscriptions and dues payable by members provided that before any levy is struck a complete current financial statement shall be submitted to each Branch;
- (j) receive, consider and determine any matter or report arising under these Rules which has been submitted to Conference by any Branch;
- (k) determine the number of Branches and the number of elected offices at Divisional and Branch level;
- (l) determine the number of Divisional Industrial Research Officer positions and determine the number of Branch Industrial Officer positions (in the generic sense) where the direct cost is borne by the Divisional Conference;



## 9 - PROPOSALS FOR DIVISIONAL CONFERENCE

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- (m) in the event of casual vacancies appoint holders of Divisional offices in accordance with the Rules;
- (n) appoint a Divisional Returning Officer and Deputy Divisional Returning Officers and such scrutineers as may be required for the exercise of its powers;
- (o) fix salaries and allowances for Divisional Officers and Branch Officers;
- (p) fix honoraria for Divisional Officers, Divisional Executive members and Divisional Conference members;
- (q) determine the level and method of payment of monies from Branches to Conference;
- (r) settle disputes arising between Branches;
- (s) hear and determine any appeal from a Branch or member thereof;
- (t) hear and determine disciplinary charges laid under the Rules and impose penalties as provided for in the Rules;
- (u) take disciplinary action against the holders of Divisional and Branch offices as provided for in the Rules;
- (v) remove from office the holders of Divisional and Branch offices as provided for in the Rules;
- (w) determine matters referred to it by a meeting of members of Conference representing an Industry Section/s;
- (x) allocate funds for meetings of members of Conference representing an Industry Section/s;
- (y) refer to a Divisional Council or members of Conference representing an Industry Section matters exclusively affecting the Divisional Council or Industry Section;
- (z) establish any social or other fund to achieve any of the objects of the Division;
- (aa) receive and adopt or otherwise deal with the annual report and balance sheet of the Division;
- (bb) summon General Meetings or Special General Meetings of members of Branches, any Industry Section or any defined section of the membership of the Division in all or any States at any time and from time to time for any purpose which Conference shall think fit, giving not less than three days notice to members of such meetings, and stating the time and place in each State when and where such meetings shall be held;
- (cc) generally to do all acts, matters and things that may appear to Conference to be in the best interests of members;
- (dd) without limiting the generality of its powers under (cc) above, exercise all or any of the powers conferred on the Divisional Executive.

### **9 - PROPOSALS FOR DIVISIONAL CONFERENCE**

- (a) The Divisional Secretary and Divisional President shall have forwarded to all Divisional Conference Delegates and, if necessary his/her Proxy, a copy of the Divisional Executive

Report to be submitted to the Divisional Conference, not less than fourteen days before the date fixed for the opening of the Divisional Conference.

## 10 - DIVISIONAL CONFERENCE - OUT OF SESSION DECISION

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- (b) Proposals for the making of new Rules, or the amendment or rescission of existing Rules, or proposals relating to any other matter of business to be considered by the Divisional Conference, may be submitted by members of Divisional Executive, members of Divisional Conference or Branches.
- (c) Branch Reports and all proposals submitted to the Divisional Conference shall be forwarded to reach the Divisional Secretary seven weeks before the date fixed for the opening of the Conference. The whole of the proposal shall then be forwarded by the Divisional Secretary to members of Divisional Executive, members of Divisional Conference and Branches not later than five weeks prior to the date fixed for the opening of the Conference. Any proposal relating to matters which are already receiving attention by the Divisional Executive or which accords with Union policy, as determined by an earlier conference, may be excluded from the Conference business paper.
- (d) (i) Notwithstanding anything contained in these Rules, Divisional Conference shall have the power to consider any matter of urgent late business or to make new rules, or to rescind or amend any of the existing rules regarding which the required notice has not been given to the Divisional Secretary provided that:
  - (1) apart from matters arising out of the written report of the Divisional Executive or proposals already on the Conference Agenda proposals of an urgent nature which are received after the closing date of the agenda shall only be considered where notice in writing has been given to the Divisional Secretary at least twenty four hours before the matter is discussed;
  - (2) the question of the admission of any business for consideration under the provisions of this rule shall be determined by the method of voting in rules 5(g) and (h);
  - (3) any decision on an item of urgent late business shall have no force and effect unless and until ratified pursuant to rule 36.5.
- (e) The requirements as to notice and the circulation of agenda papers in this Rule shall be directory and not mandatory and the accidental or inadvertent omission to give the full notice required to any person entitled to such a notice shall not of itself invalidate the proceedings of the Divisional Conference meeting at which such matter is considered.

## 10 - DIVISIONAL CONFERENCE - OUT OF SESSION DECISION

- (a) When the Divisional Conference is not in session the Divisional Secretary and Divisional President jointly may, or when so directed by the Divisional Executive, or when called for by requisition signed by Delegates to Divisional Conference representing a majority of votes eligible to be cast in 40% of Branches or signed by at least 50% of Branch Secretaries, shall, submit to Conference for decision any matter which the Conference may deal with in accordance with Rule 5.
- (b) If the Divisional President considers a motion pursuant to sub-rule (a) to be out of order he/she shall rule accordingly and advise the person(s) submitting the motion of his/her reasons for so ruling. The person(s) may then move a motion of dissent from the ruling of the Divisional President, in which event such motion and all correspondence thereon shall be distributed to each member of the Divisional Executive.
- (c) The Divisional Secretary may submit any matter to be decided pursuant to this sub-rule to the members of Divisional Conference to be determined by a vote communicated to the Divisional Secretary by letter, electronic mail, facsimile machine or telephone. The minutes of any meeting where a vote has been taken by letter, electronic mail, , facsimile machine or telephone shall be forwarded forthwith to each member of Divisional Conference and Branch Secretaries.

## 13 - DIVISIONAL EXECUTIVE MEETINGS

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- (d) Each member of Conference shall, as soon as practicable but no later than fourteen (14) days after the receipt of the submission, return his/her vote to the Divisional Secretary.
- (e) If at any time after the submission of a matter to members of Conference under this Rule and before a decision has been obtained a request has been made in accordance with the provisions of Rule 6 for a special meeting of the Divisional Conference to discuss the matter, the question shall be deferred to that meeting.
- (f) A decision given under this Rule shall have the same effect as if made under Rule 5.
- (g) No Branch shall be entitled to participate in a Divisional Conference Out of Session Decision unless Rule 5(i) has been complied with as if the reference to the opening date of Divisional Conference was a reference to the date of the submission of any matter to be decided pursuant to this Rule.

## 11 - DIVISIONAL EXECUTIVE - CONSTITUTION

- (a) Divisional Executive shall consist of the Divisional Officers and one (1) Divisional Executive Member elected from each Industry Section in each Branch.
- (b) The Divisional Executive shall be responsible for the full and proper carrying out of the directions of the Divisional Conference and plebiscite decisions of the membership.

## 12 - POWERS OF DIVISIONAL EXECUTIVE

- (a) When Divisional Conference is not sitting the Divisional Executive shall, subject to paragraph (b) hereof, exercise all powers of the Divisional Conference and shall be responsible for the management of the Division's affairs, property and funds.
- (b) The Divisional Executive shall not exercise any of the powers of the Divisional Conference described in Rules 7(g), (h), (i), (k), (n), (o), (p), and (q).
- (c) Except as provided in paragraph (b) of this Rule, unless the contrary intention appears, for the purpose of exercising any power a reference in these Rules to the Divisional Conference shall be deemed to include the Divisional Executive and a decision of Divisional Executive so taken shall have the same force and effect as if made by the Divisional Conference.

## 13 - DIVISIONAL EXECUTIVE MEETINGS

- (a) The Divisional Executive shall meet when determined by the Divisional President and Divisional Secretary or as provided in sub-rule (b). The Divisional Secretary shall give reasonable notice of all meetings to all members of Divisional Executive and Branches. Not more than four calendar months shall elapse between any two meetings of the Executive, provided that a meeting of the Divisional Conference shall be regarded as taking the place of a meeting of the Executive in determining the maximum period between any two meetings.
- (b) (i) On receipt of a request in writing specifying a matter of importance to the Union, signed by 50% of Branch Secretaries or a request by 40% of Branch Committees of Management, the Divisional Secretary shall, no later than 7 days after receipt of the request, convene a special meeting of the Divisional Executive to be held no later than 28 days after the receipt of the request.

- (ii) At a special meeting of Divisional Executive convened under paragraph (i) the business of the meeting shall be the matter of importance to the Union specified in the request.
- (d) A Divisional Executive Member who:
- (i) cannot attend a meeting of the Divisional Executive, the Branch Committee of Management may appoint a Branch Committee of Management member representing the same Industry Section (or in the absence of a member representing the same Industry Section may appoint a member of the Branch Committee of Management representing the same Branch) as the absent delegate to attend the meeting as his or her proxy; or
  - (ii) cannot attend a session(s) of a meeting of the Divisional Executive may appoint another delegate present at the meeting who represents the same Branch as his or her proxy for that session(s).

Proxies shall have the same rights, duties and powers of the absent delegate they are representing and shall exercise the votes of the absent delegate in addition to any existing voting entitlement of their own.

- (e) No Branch shall be entitled to be represented at Divisional Executive until all monies due under these Rules including members' contributions to the Divisional Conference have been fully paid up to the end of the financial quarter last preceding the opening date of Divisional Executive. Further, where a Branch has entered into deferred payment arrangements pursuant to Rule 47A it shall not be entitled to be represented at Divisional Executive unless it is complying with those arrangements.

Each Branch shall supply a membership return and a statement of accounts by a date nominated by the Divisional Executive of which notice shall be given to each Branch by the Divisional Executive.

Provided that Divisional Executive, constituted without the members of the Divisional Executive from the Branch and/or Industry Section in default, may decide that in special circumstances the provision of this sub-rule shall not apply subject to any time limit or any other condition specified by Divisional Executive so constituted.

- (f) The expenses of Officers attending meetings of the Divisional Executive shall be defrayed by the Divisional Executive out of the funds of the Divisional Executive. The expenses, except in salary, of Executive members attending meetings of the Divisional Executive shall be defrayed by the Divisional Executive out of the funds of the Divisional Executive. The salary of the Executive members shall be paid by their respective Branch.
- (g) The Divisional Executive will control and authorise the use of any emblem, logo or identification illustration or mark which is adopted by the Division as its identifying emblem.

- (h) The order of business at Divisional Executive will be:
- (i) Reading and confirmation of minutes;
  - (ii) Business arising out of minutes;
  - (iii) Divisional Secretary and Divisional President's Report and business arising;
  - (iv) Questions without discussion for fifteen minutes;
  - (v) Reports from each Branch and other reports including Divisional Council Reports and minutes and business arising;
  - (vi) Passing of working expenses, financial statements and Division finances;
  - (vii) Correspondence;
  - (viii) Adjourned business;
  - (ix) Business submitted by Branches;
  - (x) General Business.

#### **14 - DIVISIONAL EXECUTIVE - QUORUM**

Divisional Executive shall be properly constituted if at least fifty percent of Officers and fifty percent of members (including members from at least 50% of Branches) are present.

#### **15 - DIVISIONAL EXECUTIVE AGENDA AND OUT OF SESSION DECISIONS**

- (a) All proposals from Divisional Officers, members of Divisional Executive, members of Divisional Conference, Divisional Councils, Branch Committees of Management or Branch General Meetings for consideration by ordinary meetings of the Divisional Executive shall be forwarded to the Divisional Secretary at least two weeks prior to the meeting.
- (b) The Divisional Secretary shall forward to each member of Divisional Executive and to each Branch, a copy of the agenda at least one week prior to the meeting.
- (c) Divisional Executive may at any meeting resolve to deal with a matter notwithstanding that the requirements of sub-rules (a) and (b) have not been complied with.
- (d) The requirement of sub-rules (a) and (b) as to notice and the circulation of agenda papers shall be directory not mandatory and the accidental or inadvertent omission to give the full notice required (to any person entitled to same) shall not of itself invalidate the proceedings of the Divisional Executive meeting at which such matter is considered.
- (e) At any time when Divisional Executive is not meeting a member of Divisional Executive may move a motion for decision of the Divisional Executive by a vote communicated to the Divisional Secretary by letter, electronic mail, facsimile machine or telephone provided that any vote taken by letter, electronic mail, facsimile machine or telephone shall be confirmed in writing to the Divisional Secretary. Such motions shall be submitted to the Divisional President and may be supported by reasons for the motion. Each member of Divisional Executive shall, as soon as practicable, but no later than 14 days after circulation, return his/her vote to the Divisional Secretary.
- (f) If the Divisional President considers a motion pursuant to Sub-rule (e) to be out of order he/she shall rule accordingly and advise the originating member of Divisional Executive of his/her reasons for so ruling. The member of Divisional Executive may then move a motion of dissent from the ruling of the Divisional President, in which event such motion and all correspondence thereon shall be distributed to each member of Divisional Executive.

- (g) No Divisional Executive Member shall be entitled to vote in a telephonic, facsimile, electronic mail or postal ballot of members of the Divisional Executive unless the members' Branch has complied with Rule 13(d) as if the reference to the opening date of Divisional Executive was a reference to the date of the submission of any matter to be decided pursuant to this Rule.
- (h) Notwithstanding the provisions of sub-rule (e) above, the Divisional Secretary and Divisional President may jointly convene a meeting of the Divisional Executive by way of a telephone hook-up.

The Divisional Secretary shall provide to Divisional Executive members reasonable notice of the proposed telephone hook-up of the Divisional Executive.

All decisions made pursuant to this sub-rule shall have the same force and effect as if made under Rule 13 or sub-rule (e) above.

### 16 - DIVISIONAL EXECUTIVE VOTING

- (a) The voting power of Divisional Officers and Executive members shall be as follows:
  - (i) For Executive members the voting power shall be calculated on the same basis as calculated for Delegates to Divisional Conference under Rule 5(g)(i).
  - (ii) For the purposes of this sub-rule, the number of members for a Industry Section or Branch will be the actual number of financial members as at 31st March in each year. In determining the voting power for a Industry Section or Branch, each Branch Secretary shall forward to the Divisional President and the Divisional Secretary, no later than one (1) month after the end of the financial year the number of financial members for a Industry Section or Branch as at 31st March in that year.

The Divisional President will notify the Branch Secretary, Divisional Executive and the Divisional Secretary of the voting power of the Industry Section or Branch. The voting power determined under this sub-rule will apply from 1st June in that same year. Provided that any question which may be in the course of decision by postal voting at the 1st June, the voting power shall be that applying at the time the question was moved.

- (iii) The Divisional Officers shall have five votes each. Provided that where a Divisional Officer is also an Executive member representing a Industry Section or Branch, the Divisional Officer shall only exercise the voting power he or she has as an Executive member.

For the purposes of this Rule, the number of members for Industry Section or Branch will be the actual number of financial members at the end of the financial year preceding the date of calling of the elections.

- (b) A proposal is decided in the affirmative if sixty percent (60%) of votes are cast in favour. Provided that any proposal to alter Rules 44, 46, 46A, 46B, 75, 76 and 76A shall be decided in the affirmative if seventy five percent (75%) of votes are cast in favour.

### **17 - ABSENTEE VOTING**

If a member who is entitled to vote at any election held under these Rules will be absent from his/her usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to him/her at an address which he/she nominates.

### **17A - DIVISIONAL BY-LAWS**

Divisional Conference and Divisional Executive shall have the power to make by-laws for the conduct and management of the Division and of any of the Divisional Councils thereof, provided that any by-law so made does not conflict with these Rules.

### **18 - DIVISIONAL RETURNING OFFICER AND DEPUTY DIVISIONAL RETURNING OFFICERS**

- (a) A Divisional Returning Officer shall be appointed by Conference at its meeting which precedes the year of election conducted pursuant to Rule 21 from a list of candidates who are financial members of the Branch within the State in which the Divisional Office of the Division is situated, and who do not hold any other office in, nor are employees of, the Union or a Branch, Section or Division of the Union. Candidates for selection as Divisional Returning Officer must make application in writing to the Divisional Secretary. Applications must contain the address of the candidate and will close with the Divisional Secretary at twelve noon on the opening day of the Divisional Conference.
- (b) Branch Returning Officers shall be recognised as Deputy Divisional Returning Officers.
- (c) The Divisional Returning Officer shall be responsible for the conduct of the ballot for the election of Divisional Officers and for such other ballots and plebiscites as he/she may be required to conduct pursuant to these Rules.
- (d) If the person appointed as Divisional Returning Officer subsequently desires to nominate for any elected position in the Union, or a Branch thereof, he/she shall be required to tender his/her resignation from the position of Divisional Returning Officer prior to the calling of nominations for any such position. Such resignation shall be in writing and delivered to the Divisional Secretary. Whenever the position of Divisional Returning Officer becomes vacant (by resignation or otherwise) between Divisional Conferences, a new Divisional Returning Officer shall be appointed by the Divisional Executive.
- (e) Should the Divisional Returning Officer be unavailable to perform a particular task or to conduct a ballot as required by the Rules, the Divisional Executive may nominate one of the Deputy Divisional Returning Officers to perform the duty or duties of the Divisional Returning Officer.

### **19 - NOMINATIONS FOR DIVISIONAL OFFICE**

- (a) Candidates for office on the Divisional Executive including Divisional President, Divisional Vice-Presidents (including Vice-President (Affirmative Action)), Divisional Secretary, and Divisional Assistant Secretaries, must be members of the Union who have been a financial member of the Union for a continuous period of not less than twelve months immediately prior to the closing date for lodging nominations under this Rule. Nominations for Divisional Conference Delegates and Divisional Executive Members shall be called subject to the provisions of Rule 66. Candidates must be financial members of the Branch, or Industry Section to which they are attached and be nominated by at least two other financial members of the Division.

## 20 - DIVISIONAL OFFICERS OF THE UNION

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- (b) (i) Candidates for Divisional Vice-President (Affirmative Action) shall be female members of the Division.
  - (ii) Provided that a person making the nomination for the office of Divisional Assistant Secretary (Postal) shall be a financial member of the Postal Services Industry Group and a person making the nomination for the office of Divisional Assistant Secretary (Telecommunications) shall be a financial member of the Telecommunications and Information Technology Industry Group.
  - (iii) Candidates for Divisional Vice-President other than the Divisional Vice-President (Affirmative Action) shall be a member of the Division.
- (c) All nomination papers must be signed by and contain the addresses of those making the nomination who must be financial members of the Division and be countersigned by the person nominated. Nominations for the office of Divisional President, Divisional Vice-Presidents, Divisional Secretary and Divisional Assistant Secretaries, must reach the Divisional Returning Officer at the Divisional Office of the Division or other place declared in the notice calling for nominations not later than twelve noon on the fourteenth (14) day of April in the year of election or, should that day be a Saturday, Sunday or a holiday, on the first day thereafter which is not a Saturday, Sunday or a holiday.
- (d) On the first day of April in the year of election or, should that day be a Saturday, Sunday or a holiday, the first day thereafter which is not a Saturday, Sunday or holiday, a notification prepared by the Divisional Returning Officer calling for nominations for office shall be published in a Divisional Executive Journal. The notice shall contain details of the following matters which, subject to these Rules shall be determined by the Divisional Returning Officer:
- (i) title of the office;
  - (ii) time and date of commencement of nominations;
  - (iii) time and date of closing of nominations;
  - (iv) place and requirements of lodgement of nominations;
  - (v) the time of opening and closing the ballots.
- (e) If the Divisional Returning Officer finds a nomination to be defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him/her the opportunity of remedying the defect within seven (7) days after his/her being so notified.

## 20 - DIVISIONAL OFFICERS OF THE UNION

- (a) The Officers of the Division shall be the Divisional President, the Divisional Vice-Presidents, the Divisional Secretary, and the Divisional Assistant Secretaries.
- (b) In the absence of the Divisional President and/or the Divisional Secretary a Divisional Assistant Secretary will assume the responsibilities of the Divisional President and/or the Divisional Secretary in an order determined by the Divisional Executive.



## 21 - ELECTION FOR DIVISIONAL OFFICE

The following Officers shall be full-time Divisional Officers:

- (i) one (1) Divisional Secretary;
- (ii) one (1) Divisional Assistant Secretary (Postal);
- (iii) one (1) Divisional Assistant Secretary (Telecommunications)

In addition to the above, the following will be honorary Divisional Officers:

- (iv) one (1) Divisional President and two (2) Divisional Vice-Presidents viz. one (1) Divisional Vice-President and one (1) Divisional Vice-President (Affirmative Action).
- (c)
- (i) Full-time and Honorary Divisional Officers shall be elected for a term of four (4) years and shall take up office on 1 August following the declaration of the election to the office in question.
  - (ii) Divisional Conference and Divisional Executive Members shall be elected for a term of four (4) years and shall take up office from 1 August following the declaration of the election of the office in question
  - (iii) In the event that the Returning Officer is unable to declare a person elected to an office referred to in paragraphs (i) and (ii) above on or before 1 August in the year of election the person holding office shall remain in that office until the office is declared elected.
  - (iv) The election of Divisional Officers shall be by a secret ballot of the financial members of the Division conducted in accordance with these Rules and shall be held in conjunction with and at the same time as the election of Branch Officers as provided for in Rule 67. Provided that the Vice-President (Affirmative Action) shall be elected by and from financial female members of the Division.
- (d) Divisional Conference and Divisional Executive members shall be elected when necessary by a secret ballot of the financial members of each Branch or Industry Section of each Branch. Such ballot to be conducted by the Branch Returning Officer in conjunction with the ballot for the election of Branch Officers and Branch Committee of Management of each Branch of the Division and, subject to sub rule (b)(iv) above, in accordance with the provisions of Rule 67.

## 22 - NATIONAL COUNCILLORS

- (a) The National Council shall be constituted in accordance with rule 7.10 of Section A rules being the National Rules of the union.
- (c) Except where otherwise provided, the term of office for National Councillors shall be four (4) years.
- (d) Persons nominating for positions referred to in this sub-rule shall have not less than 12 months continuous financial membership of the union on the date of closing of nominations.

- (h) The National Executive shall be constituted in accordance with rule 7A.1 of Section A being the National Rules of the union.

**23 - DUTIES OF DIVISIONAL RETURNING OFFICER - ELECTION OF DIVISIONAL OFFICERS**

The duties of the Divisional Returning Officer shall be:

- (a) To prepare a Roll of Voters who are entitled to vote in the election. The Roll of Voters shall close seven (7) days before the day on which nominations for the election are to open. Nothing in this sub-rule shall prevent the correction of errors in the Roll of Voters after the Roll is closed.
- (b) (i) To make the Roll of Voters available for inspection and copying by members or by any other person authorised by him/her, to be used for election purposes only, during ordinary business hours at the place where he/she carries out their duties in relation to the election in the period commencing the day after the Roll of Voters is closed and ending thirty (30) days after the declaration of the result of the election.
- (ii) The Roll of Voters may be kept and may be supplied electronically.
- (c) If there are no more nominations than there are vacancies for a position, to declare the nominated person or persons elected to that position.
- (d) If more nominations are received than there are vacancies for a position, to have ballot papers printed and delivered to him/her containing the names of the candidates for each position in the order they are drawn, indicating the number to be elected to each position, the manner in which a vote shall be recorded, and the date and the time of closing of the ballot.
- (e) To be responsible for the safe custody of the ballot papers.
- (f) To obtain from the printer a certificate of the number of ballot papers printed.
- (g) To forward by prepaid post in an envelop having as few distinctive characteristics as possible to each member entitled to vote:
- (i) such ballot paper or ballot papers as is or are appropriate for the purpose of the election;
- (ii) a pre-paid or business reply paid envelope having as few distinctive characteristics as possible addressed to the Returning Officer at a Post Office Box number designated by him/her;
- (iii) an envelope capable of insertion in the outer envelope referred to in (ii) above, such envelope to have provision on the outside of the envelope for the member to fill in the member's name and address and to sign his or her signature;
- (iv) an envelope marked 'ballot paper only' capable of insertion in the envelope referred to in (iii) above;

- (v) voting instructions, printed either on the ballot paper referred to in (i) above or on a separate sheet of paper, containing such voting instructions as the Returning Office considers necessary or desirable including an instruction that the completed ballot paper should be inserted in the envelope referred to in (iv) above, the envelope sealed and inserted into the envelope referred to in (iii) above, the name, address and signature to be completed on the envelope referred to in (iii) above, the envelope sealed and enclosed in the outer envelope referred to in (ii) above and returned by post to the Returning Officer. Such instructions shall make clear that the process of counting by the Returning Officer shall eliminate any possibility of ascertainment of a member's identity.
- (h) At the time of the forwarding of ballot papers and other documents referred to above, subject to employer approval, prepare a notice and arrange for the placing of such notice on notice boards at places where more than ten members work or report for work, informing members of the forthcoming election, the distribution of ballot papers and a statement that any member entitled to vote who does not receive a ballot paper by a date specified by the Returning Officer in his/her discretion, being a date some days after projected posting and before counting begins, to report such non-receipt to the Returning Officer.
- (i) To control a ballot box provided for the receipt of ballot papers and in the presence of the scrutineers, if they desire to be present, to see that the box is empty immediately prior to the opening of the ballot and thereupon seal the said box to ensure that it remains sealed, until the time fixed for the closing of the ballot.
- (j)
  - (i) After the closing date of the ballot in the presence of scrutineers appointed pursuant to Rule 25 to open each envelope referred to in (g) (ii) above which has been returned to him/her, examine the section of the envelope referred to in (j) (iii) above, strike the name of the member appearing thereon off the roll as having voted in the election, and subject to (ii) below, admit the inner envelope marked 'ballot paper only' containing the ballot paper to the count after removing it from the outer envelope;
  - (ii) To conduct prior to the removal of the inner envelope marked 'ballot paper only', in the presence of scrutineers, a random check of the signatures appearing on the outer envelope by comparing approximately one signature in every one hundred votes of the signature appearing in the organisation's records, provided the Returning Officer shall have a complete discretion to check any additional signatures as he/she thinks fit;
  - (iii) To engage, if he/she thinks fit, the services of a Bank Officer, or such other person skilled in the comparison of signatures, to assist him/her in decisions relating to signatures, providing that the Returning Officer shall be final judge of whether the envelope has been signed by the member named therein;
  - (iv) After processing each of the envelopes referred in (i) above, to remove the ballot papers admitted to the count from the envelopes marked 'ballot paper only' and proceed to count the ballot;
  - (v) No envelope referred to in (j) (iii) above shall be admitted to the count if the envelope has not been filled up or has not been filled up to an extent sufficient in the opinion of the Returning Officer to enable him/her to be satisfied as to the identity of the member casting such votes;
  - (vi) To retain for a period of twelve months after completion of an election the roll of voters, and each envelope and the ballot paper referred to above;

- (vii) At the completion of an election to, subject to this Rule, declare the result of the ballot and submit to the Divisional Secretary a full report on the ballot indicating the number of ballot papers printed, the number distributed, the number on hand, and any other relevant matters;
- (viii) The Returning Officer for the purposes of carrying out the matters set out in (i), (ii), (iii) and (v) above may require the relevant Branch Secretary to provide him/her with reasonable access to the Branch Membership Records at such and for such period or periods of time as he/she might reasonably require. Such access shall not be or deemed to be possession for the purposes of (vi) or the provisions of the Act though any copies of such membership records, or parts thereof, made by or on behalf of the Returning Officer and coming into his/her possession shall be retained for a period of twelve months in accordance with the provisions of the Act or pursuant to (vi) above as the case may be.
- (ix) Wherever in this Rule there is reference to the Returning Officer such expression shall include any of his/her staff or any person duly authorised by him/her or on his/her behalf to conduct or assist in the conduct of any of the said elections or any part thereof.
- (k) The Divisional Returning Officer may take action and give such directions as he/she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the Rules in the conduct of the election.
- (l) Any candidate for an office may on payment of an amount of ten dollars within seven days of the declaration of the poll or ballot, lodge with the Divisional Secretary a demand for a recount, with the right to appoint his/her own scrutineer, and upon the receipt of such demand the Divisional Secretary shall arrange for the Divisional Returning Officer, within seven days, to conduct a recount. In the event of the recount result being in favour of the person seeking the recount, the sum of ten dollars shall be refunded to the person concerned.
- (m) The system of voting shall be that known as "first past the post" and shall allow for an order of preference to be indicated by the voter so that in the event of the elimination of a candidate or candidates an effective vote may be cast. Where the intention is clear, the vote will be included in the count. This intention may be indicated by a cross or tick or where the voter desires to indicate a preference in the event of the elimination of a candidate or candidates, by a number. In the event of the votes of two or more candidates, one of whom is a sitting Officer, being equal, the sitting Officer shall be declared elected. In other cases of equal voting the Returning Officer shall determine the ballot by drawing lots.

## **24 - CASUAL AND EXTRAORDINARY VACANCIES - DIVISIONAL OFFICES**

- (a) (i) In the event of a Divisional Officer position becoming vacant for any reason, the position shall be declared vacant by the Divisional Executive within (1) one month and shall, subject to (ii) hereof, be filled by appointment of the Divisional Executive within (3) three months of the declaration of the vacancy.
- (ii) The person so appointed shall hold office for so much of the unexpired part of the term of the office as does not exceed:
  - (A) (12) twelve months; or
  - (B) three-quarters of the term of the office;whichever is the greater.

- (iii) No person shall be eligible to be appointed to a vacancy unless such person has been a financial member of the Union for a continuous period of not less than twelve (12) months immediately prior to the declaration of the vacancy.
- (iv) A person appointed under this Rule if nominating for the same office or position at the next election shall be deemed to be the holder of that office, or position, in accordance with these Rules.
- (b)
  - (i) In the event of a Divisional Officer position becoming vacant for any reason, and the unexpired part of the term of the office exceeds that specified by paragraph (ii) of sub-rule (a) of this Rule, the vacancy shall be filled by ballot of the financial members of the Division and the Officer so elected shall hold office until the next election of Officers.
  - (ii) Except as provided by subsequent paragraphs of this sub-rule the election shall be conducted in the same manner and subject to the provisions of Rules 19, 21 and 22 above.
  - (iii) Nominations shall be called for by notice published in the Divisional Executive or Branch Journal.
  - (iv) Nominations shall close at twelve noon on a date to be determined by the Divisional Returning Officer, provided that the date so determined shall be not less than fourteen days after the publication referred to in paragraph (iii) of this sub-rule and not more than thirty days after the office is declared vacant.
  - (v) The ballot shall close at a time and date to be fixed by the Divisional Returning Officer but not more than thirty days after the close of nominations.
  - (vi) At the completion of an election, and subject to this Rule, the Divisional Returning Officer shall declare the result of the ballot and submit to the Divisional Secretary a full report on the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters. The candidate declared elected shall be entitled to assume their office as and from the date of the declaration.
  - (vii) The person elected under this sub-rule to an office and if nominating for the same office at the next ballot shall be deemed to be the holder of that office in accordance with Rule 4(i).
- (c) In the event of the office of National Councillor, Divisional Conference Delegate or Divisional Executive Member becoming vacant for any reason, it shall be filled by the Branch concerned in accordance with the provisions of Rule 68 except where the unexpired part of the term of office exceeds that specified by paragraph (ii) of sub-rule (a) of this Rule in which case it shall be filled by the Branch concerned in accordance with the provisions of Rule 69.
- (d) Where a Divisional Officer, Divisional Conference Delegate or Divisional Executive Member has been certified by two medical specialists to be of unsound mind or subject to chronic illness to such an extent that they believe the officer incapable of carrying out the office, Divisional Executive shall request the Officer to resign. Failing acceptance of the Officer's resignation within fourteen days, the matter shall be referred back to the Divisional Executive who may then declare the position vacant. The Officer concerned shall have twenty-eight days in which to lodge an appeal to conference which may uphold or overrule the decision made by the Divisional Executive.

The Divisional Executive or Divisional Conference, when considering the matter, shall have regard to any medical evidence that the Officer desires to submit.

Where the decision of the Divisional Executive is overruled by Conference, the Officer shall be reinstated without loss.

Pending any appeal under this rule to Conference, the Officer appealing shall be entitled to the payment of ordinary remuneration. Pending the finalisation of any such appeal, no election may be held to fill the office declared vacant.

In any proceedings under this Rule, the Rules of Natural Justice shall apply, and the Officer shall be given the right to be heard and to be represented by agent, solicitor or counsel in any proceeding before the Divisional Executive or Conference.

#### **24A - CASUAL VACANCIES-DIVISIONAL OFFICERS-ABOLITION OF A POSITION OF DIVISIONAL ASSISTANT SECRETARY OR CONVERSION TO AN HONORARY OFFICE**

- (a) Notwithstanding anything contained in Rule 24, where a full-time office of Divisional Assistant Secretary becomes vacant more than 56 days prior to the opening of nominations for the next election of the office concerned as provided for by Rule 19, the Divisional Executive may resolve to:
  - (i) abolish the office of Divisional Assistant Secretary; or
  - (ii) convert the office of Divisional Assistant Secretary to an honorary position.
- (b) Where the Divisional Executive resolves to abolish an office of Divisional Assistant Secretary or to convert the office to an honorary office, the Divisional Executive shall direct the Divisional Secretary in accordance with Rule 10(b) to submit to Divisional Conference within fourteen (14) days:
  - (i) the resolution to abolish the office or to convert the office to an honorary office, as the case may be; and
  - (ii) the necessary rule changes required under the rules to abolish the office of a Divisional Assistant Secretary or to convert the office to an honorary office, as the case may be.
- (c) Divisional Conference shall deal with the Divisional Executive resolution and the required rule changes in accordance with the provisions of Rule 10 (b), (c), (d) and (e).
- (d) Pending the requirements of sub-rules (a), (b) and (c) and the certification of the required rule changes by an Industrial Registrar, the provisions of Rule 24(a) and (c) shall not apply.

#### **25 - SCRUTINEERS**

- (a) Any candidate in a ballot conducted pursuant to Rules 21, 23 and 2, may appoint a scrutineer who is a financial member of the Division being a person other than a candidate, to represent the candidate at the ballot. The candidate appointing a scrutineer shall, before the commencement of the ballot, notify the Returning Officer in writing of the name of such scrutineer. The candidate may, at any time by a notice in writing, appoint another such person to carry out the functions of scrutineer where the first mentioned person does not carry out those functions.
- (b) Scrutineers shall be entitled to be present at all stages of the ballot. It is the duty of the scrutineer to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to his/her notice. Scrutineers shall not interfere with any member at the time such member is casting a vote nor be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. Scrutineers shall comply with any lawful direction given by Returning Officer.

- (c) The Returning Officer shall give every facility to the scrutineers to attend and represent the interests of their candidates at every stage of the ballot.

## **26 - INDUSTRIAL AGREEMENTS**

Subject to these Rules Divisional Conference, and when the Conference is not sitting, the Divisional Executive, shall have power to enter into industrial agreements, and to vary or rescind such industrial agreements, and shall have power to submit claims to Fair Work on behalf of the Division (or to any other Court or Tribunal) and to appoint some person or persons to represent the Division, and the person or persons so appointed may execute any process or document necessary for submitting the claim, and may file, as is prescribed by any Act, any process or documents to be filed on behalf of the Division.

## **27 - SITUATION OF HEAD OFFICE**

- (a) The Head Office of the Division shall be situated at Melbourne, in the State of Victoria.
- (b) The Head Office may be relocated by decision of Divisional Conference.

## **28 - CONTROL OF DIVISIONAL CONFERENCE FUNDS**

- (a) All Divisional Conference funds shall be under the control of the Divisional Conference, and shall be banked in the name of the Union in the Commonwealth Bank, relevant Government owned State Bank or other financial institution approved by Conference, and shall be known as the Divisional Fund.
- (b) The Divisional funds shall consist of:
  - (i) Any real or personal property of which the Divisional Conference 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 monies paid to the Divisional Executive by Branches by way of maintenance levies or by members in respect of fines imposed by the Conference or Executive;
  - (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 monies of such funds and property or derived from other assets of such funds and property;
  - (vii) Proceeds of any disposal of parts of such funds and property and

- (viii) Contributions in accordance with Rule 47 and/or payments received in accordance with Rule 47A paid to the Divisional Conference.
- (c) Funds for ordinary or extraordinary purposes shall only be withdrawn from the Divisional Conference account by cheque, or by electronic funds transfer authorised by and notated for audit purposes by the Divisional Secretary, and such cheque or electronic funds transfer withdrawal shall be countersigned by the Divisional President or one of the Divisional Assistant Secretaries.
- (d) All Divisional Conference funds shall be applied and/or invested as follows: In such lawful manner as the Divisional Conference or Executive may decide, including, without limiting the generality of this provision, on a current account in the name of the Union and the Commonwealth Bank, relevant Government-owned State Bank or other financial institution approved by the Divisional Conference, purchase or mortgage of real or personal estates situated in the Commonwealth of Australia, subscription or purchase of shares in any company registered and carrying on business in any State of the Commonwealth of Australia, or in accordance with the provisions of the Act. No funds applied and/or invested as aforesaid shall be realised except by the authority of the Divisional Executive.
- (e) The Divisional Conference or Executive may raise or borrow money for the purpose of carrying out any of the objects of the division and for purchasing or leasing any real or personal property and for erecting buildings and repairing or renovating any buildings owned or occupied by it and may charge or mortgage or pledge any of its real or personal property as security for any loans. Any mortgage or instrument for securing any such loans shall have the seal of the Union affixed thereto and shall be signed by the Divisional Secretary and the Divisional President (or any person authorised to act in their place).
- (f) A loan, grant or donation of an amount exceeding \$1,000 shall not be made from the Divisional funds unless the Conference or Executive of the Division -
  - (a) has satisfied itself -
    - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and
    - (ii) 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
  - (b) has approved the making of a loan, grant or donation.

## 29 - FINANCIAL YEAR AND AUDIT

The Financial Year of the Divisional Conference shall terminate on the thirty first day of March each year, and an audited balance sheet shall be presented to Conference by the Divisional Secretary.

On the adoption of the balance sheet by the Divisional Conference, such decision with a copy of the balance sheet shall be published in the Division's Journals.



### **30 - DIVISIONAL EXECUTIVE AUDITORS**

Subject to the provisions of the Act, the Divisional Executive shall appoint annually, a person competent within the meaning of that Act, as an auditor, who shall not be members of the Executive, who once a year, and at such other times as directed by the Executive, shall take the Divisional Conference books and balance sheet, with all receipts, and compare them with the bank passbook and vouchers and other financial records, and report on their examination to the Executive and to the Divisional Conference. The report shall also include the auditor's report, the general purpose financial report and the operating report as prescribed by the Act.

#### **30A – FINANCIAL REPORTING REQUIREMENTS**

- (a) The Divisional Secretary shall within five (5) months of the end of the financial year provide free of charge to all members of the Division a copy of the full report for the financial year. The full report may be circulated to members by publication in the Division Journals, by correspondence or email, on the Division's website or by some other method where all Division members have access to and are able to view the full report.
- (b) Notwithstanding sub-rule (a) and in addition to Rule 12 the Divisional Executive shall have the power to resolve that a concise report is to be provided to all members of the Division in lieu of a full report.
- (c) The Divisional Secretary shall on the requisition in writing and signed by 5% or more of the Division's members, call a general meeting of members by way of a series of general meetings of members at different locations in each of the States [and the Northern Territory and the Australian Capital Territory] for the purpose of considering the auditor's report, the general purpose financial report and the operating report.
- (d) The requisition must be made within six (6) months of the end of the financial year and state that the purpose of the general meeting is to consider the auditor's report, the general purpose financial report and the operating report of the Division for the financial year.
- (e) Upon receiving a valid requisition, the Divisional Secretary must give all members of the Division not less than fourteen (14) days notice of the date, time, place and reason for calling of the series of general meetings of the members.
- (f) The notice referred to in sub-rule (e) may be given by correspondence, email or by publishing a notice in the Division Journals or by notification on the Division's website.
- (g) For the convenience of facilitating member attendance, video conferencing may be used for the series of general meetings.
- (h) At the series of general meetings, the Divisional President or a Divisional Vice President shall preside. All members of the Division shall be entitled to attend and vote.

Not less than 5% of the membership of the Division shall form a quorum which shall be calculated by reference to the total number of members attending the series of general meetings. The question of adoption or otherwise of each of the auditor's report, the general purpose financial report and the operating report shall be decided by the majority of those members present at the series of general meetings. In the event of an even vote, the Divisional President shall have the casting vote. The general meeting is taken to have occurred at the time of the last of the meetings in the series.

### 31 - PROPERTY AND FUNDS OF THE DIVISION

All funds and other assets held by the Divisional Conference and/or Branches shall be the property of the Division.

### 32 - CONDITIONS OF MEMBERSHIP

- (a) Any person qualified for membership shall pay to the Branch Secretary or other authorised person the prescribed entrance fee and contribution, shall be informed in writing at the time of his/her application of the financial obligations arising from membership and the circumstances and the manner in which a member may resign from the Union and shall receive a ticket entitling such person during its currency, so long as he/she remains loyal to the Rules and Resolutions of the Union, to all rights and privileges of membership and rendering such person amenable to the Rules and Resolutions of the Union. Where a qualified person has applied for membership, the person shall be a member notwithstanding his/her failure to pay the prescribed entrance fee and/or contribution but he/she shall remain liable to pay the same.
- (b) Any qualified person applying for membership, except in the case of applicants who produce a clearance from a bona fide industrial organisation, shall be required to pay an entrance fee of twenty dollars (\$20.00); provided that the Branch Committee of Management shall have power to waive or vary the conditions relating to the entrance fee where deemed necessary.
- (c) Any qualified person who has resigned from the Union may be readmitted to membership by a resolution of the Committee of Management on payment of an entrance fee not exceeding the sum of twenty dollars (\$20.00); provided that the Committee of Management shall have power in such cases to waive or vary the conditions relating to entrance fee where deemed necessary.
- (d) A member of the Union may resign from membership by written notice addressed and delivered to the Secretary of the Branch to which the member is attached.

A notice of resignation from membership shall take effect:

- (1) Where the member ceases to be eligible for membership of the Union:
  - (i) on the day on which the notice is received by the Union; or
  - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible for membership; whichever is later; or
- (2) In any other case:
  - (i) at the end of 2 weeks after the notice is received by the Union; or
  - (ii) on the day specified in the notice; whichever is later.

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 Union.

A notice delivered to the Branch Secretary shall be taken to have been received by the Union when it was delivered.

A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with the provisions of this sub-rule.

A resignation from membership of the Union is valid even if it is not effected in accordance with this sub-rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

- (e) Any person who has been expelled from membership of the Union shall not be readmitted to membership except by resolution of the Branch Committee of Management carried by a vote of majority of the members present there at and upon payment of all contributions and levies accruing during the period of his/her expulsion, provided that the Branch Committee of Management shall have power to waive or vary the payment of contributions and levies accruing during the period of his/her expulsion. Any person expelled from membership by resolution of Conference shall not be readmitted to membership without the authority of Conference.

### **32A - ASSOCIATE MEMBERSHIP**

A person who has retired from the employer and who was a financial member at the time of their retirement shall be entitled to associate membership.

Associate members shall not exercise a vote or hold any position in the Division but they are entitled to attend and speak at any General Meeting.

No person can become or remain an associate member if they commence employment or intend to commence employment with any employer or industry covered by eligibility rules 2.5 to 2.22 inclusive.

Associate members shall be entitled to Branch newsletters and services as determined by the Branch Committee of Management.

All applications for Associate membership are subject to approval of the Branch Committee of Management.

Retired members admitted as an Associate Member shall have no other rights unless specifically covered by this Rule.

### **33 - HONORARY LIFE MEMBERS**

- (a) A member who has ceased employment, or a full time officer of the union who was a member at the time of ceasing with the union and who has rendered special or valuable service to the union, may, by resolution of the Divisional Executive, a Branch General Meeting or Branch Committee of Management, be admitted as an Honorary Life Member of the union. Such admission to Honorary Life Membership shall be subject to endorsement, or otherwise, by Divisional Conference or Divisional Executive. Any resolution originating from and bestowing life membership by resolution of the Divisional Executive shall be subject to endorsement or otherwise by Divisional Conference.
- (b) Branches shall advise the Divisional Secretary of any such admission to Honorary Life Membership as soon as practicable following that resolution by the Branch.
- (c) Honorary Life Members shall be entitled to attend and to speak at any General Meeting, but they shall not be entitled to exercise a vote or to hold any office in the Union other than Returning Officer or Divisional Returning Officer. However, they shall be permitted to act as delegates to affiliate bodies when ordinary members are not available.

- (d) On being admitted to Honorary Life Membership, such members shall be entitled to receive an Honorary Life Membership Certificate signed by the Divisional President and the Divisional Secretary.
- (e) Life Members of organisations that amalgamate with the Union shall be recognised as Honorary Life Members of the Union, upon amalgamation, provided that at the time of amalgamation, they have retired or resigned their employment including a position of full-time office within the Union.

Provided that those Life Members of the amalgamating organisation who have not yet retired or resigned from their employment or from full-time office with the Union, shall upon such retirement or resignation be recognised as Honorary Life Members pending endorsement by the next succeeding Divisional Conference of the Union and/or Divisional Executive.

- (f) Life Members admitted under sub-rule (e) shall have the same entitlements and privileges as provided in sub-rule (c) and (d) of this Rule.
- (g) Nothing in this Rule prevents Divisional Conference or Executive from endorsing special recognition posthumously to a person who has rendered special or valuable service to the union. Such special recognition shall be known as the CEPU Service Citation and shall be seen as equivalent to the Life Membership recognition.

### **33A - LIFE MEMBERSHIP - ATEA/ATPOA**

Notwithstanding Rule 33, all persons elected to Life Membership by ATEA/ATPOA prior to the date of amalgamation shall be deemed to be Life Members of the Union. Where an existing ATEA/ATPOA Life Member translates to an office in the new Union he/she shall continue to enjoy all the privileges of a full financial member of the Union upon payment of dues.

### **34 - CONTRIBUTIONS**

- (a) Divisional Conference shall from time to time determine the rate of membership fees.
- (b) Membership contributions shall be paid by:
  - (i) authorised deductions from salary;
  - (ii) periodic payment of dues from a bank, credit union or similar institution; or
  - (iii) monthly, quarterly, six monthly or annual subscriptions in advance. For the purposes of this sub-rule quarterly subscriptions shall be payable before 1st April, 1st July, 1st October and 1st January in each year; six monthly subscriptions shall be payable before 1st April and 1st October in each year; and annual subscriptions shall be payable before 1st April in each year.
- (c) Subject to the rules, a member is financial if:-
  - (i) At the date on which deduction of the member's dues from salary commences or the date from which a member authorises the commencement of payment of dues by periodic payment from an account with a bank, credit union or similar institution, the member has paid all monies owing on a pro rata basis to that time, and

- (ii) After the commencement of the deduction of dues from salary or the payment of dues by periodic payment from a bank, credit union or similar institution the member pays all outstanding monies calculated on a pro rata basis owing at the time of the commencement of such deduction or payment and continues to have dues so deducted or paid.
- (iii) The member, not being a member who has authorised deductions of membership subscriptions from the member's salary or authorised in periodic payment subscriptions from a bank, credit union or similar institution, has paid monthly, quarterly, six monthly or annual subscriptions within 30 days of the due date.
- (iv) In the event of deductions of union dues from salary being discontinued by a deducting authority, a member who at the time of deduction of dues being discontinued was on payroll deductions and was financial shall be financial for a period of thirty days following the date of cessation.

A person who joined the Union at a time other than at the date of commencement of the financial year shall pay at the time specified in this sub-rule, a subscription on a pro-rata basis for the unexpired portion of the year.

- (d) Any monies due under the rules of the Union may be sued for by the Divisional Secretary or Branch Secretary as his/her agent.
- (e) All levies and fines (whether struck by the Union under the Rules or imposed by a financial institution on default of direct debit) shall be the first charge on all monies received from members.
- (f) Any member becoming unfinancial may be deprived of all the privileges of membership.
- (g) Should any member be prevented from following his/her avocation through unemployment (and who is actively seeking employment in his/her avocation), illness or compulsory military service for a period of four (4) weeks or more who is on leave without pay for the same period, the Branch Committee of Management shall have power to grant exemption from dues in approved cases, and may order a refund of any portion of prepaid dues, provided that in all such cases application for exemption shall be made to the Branch Secretary in writing within eight (8) weeks of initially ceasing work.
- (h) The contribution rate for Associate Members shall be set by Divisional Conference and payable in advance. This rate may be varied from time to time by Divisional Conference.

### 35 - PLEBISCITES

- (a) Conference or the Divisional Executive, when either body deems fit or upon a request made as provided in paragraph (c) of this sub-rule, shall take the opinion of the whole of the financial membership or any defined section of the membership, upon any question, or questions, by submitting same to a plebiscite to be taken within three months of the receipt of the requisite decision or request.
- (b) A question submitted to members by plebiscite shall be expressed as to be a question of general policy or a decision as to an action which it is within the power of the Divisional Executive or Conference to take.

- (c) A request for a plebiscite shall:
  - (i) be made in writing by not less than 50% of Branches, following decisions made in accordance with the relevant rules, or by signed petition of not less than ten percent (10%) of the financial members of the Division or of the Industry Group concerned;
  - (ii) set out the question for the plebiscite;
  - (iii) be addressed to the Divisional Secretary and be delivered to the Head Office of the Division;
  - (iv) where made by petition of financial members, bear on its face the question to be put and the name in block letters and the place of work of the member signing.
- (d) The Divisional Returning Officer shall conduct all plebiscite ballots and for that purpose may appoint such Deputy Returning Officers and, subject to these Rules, issue such directions and instructions as he/she deems fit for the conduct and control of the ballot.
- (e) The plebiscite shall be conducted by secret postal ballot.
- (f) All members of the Division or the defined section of the Division who are financial as at the date of the opening of the plebiscite ballot, shall have the right to vote in that plebiscite and the Divisional Secretary shall, upon request of the Divisional Returning Officer, supply him/her with a certified list of the names and addresses of all financial members.
- (g) The Divisional Secretary and Branch Secretaries shall allow the Returning Officer access to whatever membership records the Returning Officer may consider necessary to examine to verify the certified list and to settle the roll of voters.
- (h) The Divisional Executive shall appoint such persons and such numbers of scrutineers (and the Returning Officer shall allow such access to his/her decisions and arrangements) as will fairly allow representatives of both sides of an issue in the plebiscite opportunity to scrutinise the process of the plebiscite including the counting of a ballot.
- (i) The Divisional Executive shall determine the form of the ballot paper, adopting the text of any question submitted in a request in accordance with paragraph (b) of this Rule. The Executive shall approve for issue to each financial member with the ballot paper, a fair summary of the arguments for and against the proposals in issue in the plebiscite question and for this purpose the Secretary, after consultation with parties in contention, shall submit to the Divisional Executive a draft of such summary.
- (j) The Divisional Returning Officer shall cause to be posted to each member entitled to vote in the plebiscite a ballot paper, which shall be initialled by the Returning Officer together with replied paid addressed envelope, the summary approved by the Divisional Executive and such directions and instructions as he/she may deem necessary for the conduct of the plebiscite.
- (k) Unless the Divisional Returning Officer otherwise determines and directs, the closing date for the ballot shall be twenty eight days after the date determined by the Returning Officer as the date of dispatch of the plebiscite papers to the members.
- (l) After the close of the ballot, the Divisional Returning Officer shall ascertain the result and report the result of the plebiscite to the Divisional Secretary together with the full report of the whole proceedings. The Divisional Secretary shall communicate the final result of the ballot as a whole to each Branch with as little delay as possible.

- (m) If the question submitted to a plebiscite is carried in the affirmative such action shall be immediately taken by the Divisional Conference or Executive as is necessary to give effect to such decision.

### 36 - DECISION RATIFICATION

- (a) The Rank and File Participation and ratification processes provided for under this rule are in addition to the provisions of these Rules regarding Branch General, Special and Extraordinary Meetings. The provisions of this Rule, to the extent of any inconsistency, shall prevail. However, the provisions of Rule 35, where they are invoked, override Rule 36.
- (b) Decisions of Divisional Executive and/or Conference which propose:
  - (i) New Rules or amendments to existing Rules, where due notice has not been given pursuant to sub-rule 9(d) or as a consequence of an out of session decision pursuant to Rule 10; or
  - (ii) Acceptance of major Agreements affecting members; except that the Divisional Executive and/or Conference may exempt from the ratification process in this rule, agreements made pursuant to the Act where Divisional Executive and/or Divisional Conference is of the view that the voting procedures used in complying with the Act are sufficient to indicate the intent of the majority of members concerned or
  - (iii) Other matters, as determined by Divisional Conference or Divisional Executive;shall be subject to ratification by one of the processes provided for in this Rule, except where Divisional Conference or Executive subjects such a decision to a plebiscite of members.
- (c) Where Divisional Conference or Executive makes a decision covered by sub-rule (b), it shall also decide the most appropriate form of ratification process to be followed, limited to the following alternatives:
  - (i) The ratification process provided for in sub-rule (d);
  - (ii) The consultative survey process provided for in sub-rule (e);
  - (iii) The Special Members' Meetings process provided for in sub-rule (f); or
  - (iv) A plebiscite conducted in accordance with Rule 35.
- (d) The ratification process will comprise the following steps:
  - (i) Within two (2) days of the decision being taken by Divisional Executive or Divisional Conference and having been deemed ratifiable, the Divisional Secretary will advise Branches of the decision, and the date by which it must be ratified, and, if necessary, by whom it is to be ratified;
  - (ii) Should a Branch have members affected by the ratifiable decision, the Branch Secretary will notify the members of the Branch Committee of Management of the decision and the ratification date and the details of the Branch Committee of Management meeting called to consider ratification;

- (iii) The ratification meetings(s) will be held within the period set by Divisional Conference or Divisional Executive and the result advised to the Divisional Secretary by the Branch Secretary immediately the Branch Committee of Management's position is clear;
  - (iv) The Divisional Secretary will advise Branches of the outcome of the ratification process. The ratification process will be recorded in the affirmative if a majority of Branches vote in favour of the ratification.
- (e) The consultative survey ratification process is designed for circumstances where it is deemed more appropriate for members affected by a proposal to directly consider its ratification, than to refer to Branch Committees of Management or to Special Meetings of Members, and shall comprise the following steps:
- (i) Once the Divisional Executive or Divisional Conference has deemed that a decision is ratifiable by members (or a relevant section thereof) via a Consultative Survey, it shall also decide the relevant dates for conducting the survey and the methods used in conducting the survey including the form of the ballot paper and the supporting material; and the Divisional Secretary will advise the Branch accordingly;
  - (ii) Branch Secretaries, as appropriate, will ensure that the consultative survey is conducted within the time frame and the methods determined in sub-rule (e)(i); and upon notified closure and counting of the survey, convey the result to the Divisional Secretary;
  - (iii) The Divisional Secretary will tally the Divisional result and will advise Branches if the decision has been ratified or otherwise, where ratification requires an overall majority of votes cast.
- (f) The Special Members' Meeting ratification process is designed for circumstances where it is deemed appropriate by Divisional Executive or Divisional Conference to submit a matter directly to the appropriate group of members for ratification or otherwise and shall comprise the following steps:
- (i) Where the Divisional Conference or Divisional Executive decides that a matter should be subject to ratification by Special Meetings of affected members, it shall also decide which groups of members are affected and therefore eligible to vote on ratification, and the relevant dates by which the Special Meetings must be held and results returned to the Divisional Secretary; and the Divisional Secretary shall advise Branches accordingly;
  - (ii) Branch Secretaries, who have members eligible to consider the ratification proposal, shall make arrangements to hold the meetings(s) in the time frame established in sub-rule (f)(i); and upon conclusion of the meeting(s) convey the Branch vote to the Divisional Secretary;
  - (iii) The Divisional Secretary will tally the Divisional Result and will advise Branches if the decision has been ratified or otherwise, provided that where a Special Meeting called under sub-rule (f)(ii) lapses for want of a quorum, the Branch votes will be recorded in the affirmative. The ratification process will be recorded in the affirmative if an overall majority of votes are cast in favour of ratification.
- (g) Where a decision of Divisional Executive or Divisional Conference has been subject to ratification processes under this Rule or Rule 35, the Divisional Secretary and Divisional President will ensure that the decision, method and results of ratification are published within fourteen (14) days.



### **37 - INDUSTRIAL ACTION**

In furtherance of the lawful objects of the Union, industrial action may be taken as follows:

- (a) upon the approval of the Divisional Conference or Divisional Executive being carried in accordance with these Rules; or
- (b) in emergent circumstances, upon the authorization of the Divisional Secretary after consultation with the Divisional President.

### **37A ENTERPRISE BARGAINING**

A bargaining period not directly affecting members of another Division, may be instituted on behalf of the Union by the Divisional Secretary, or in the absence of the Divisional Secretary, by the Divisional President.

### **38 - DUTIES OF DIVISIONAL PRESIDENT**

The Divisional President's duties shall be:

- (i) to preside at all Divisional Conference and Executive meetings and any other meetings held at the direction of the Divisional Conference or Executive;
- (ii) to ensure that the general working of the Division is in accordance with the Rules and the decisions of Divisional Conference and Executive;
- (iii) to jointly publish with the Divisional Secretary the official journal of the Division concerning matters of interest and information to members;
- (iv) to sign the minute book in the presence of the meeting upon the Minutes of Divisional Conference or Executive being confirmed;
- (v) to preserve good order at all meetings so that the business of the Division may be properly conducted. Further, in all other matters to act as directed by the Divisional Conference or Executive; and
- (vi) to submit at his/her discretion a report to Divisional Conference.

### **39 - DUTIES OF DIVISIONAL VICE PRESIDENTS**

The Divisional Vice Presidents shall assist the Divisional President at meetings of the Divisional Conference and the Executive as required and at any other meetings directed to be held by the Divisional Executive or Conference.

In the absence of the Divisional President or when the Divisional President desires to leave the Chair, the meeting shall select one of the Divisional Vice Presidents to occupy the Chair and assist in having the business of the Division carried out in accordance with the Rules.

The Divisional Vice Presidents may be allocated special duties or functions by the Divisional Conference or Executive.

#### 40 - DUTIES OF DIVISIONAL SECRETARY

The duties of the Divisional Secretary shall be:

- (i) to be responsible for the implementation of Divisional Conference and Executive decisions and the day to day Divisional issues;
- (ii) to be responsible for the overall administration of the Divisional Office and of the funds and property of the Divisional Executive, including Divisional office staff selection and administration;
- (iii) to keep a correct account of all monies received and expended, and to keep a record of all receipts and vouchers. To pay into the Division's bank account all cash received within forty eight hours after its receipt. To sign all cheques and authorise Electronic Funds Transfer, together with the Divisional President or Assistant Divisional Secretaries and at all reasonable times produce the bank books when required by the Divisional Executive for their inspection together with a copy of the general balance sheet;
- (iv) to promptly attend to all correspondence and answer such questions as may be asked in accordance with the Rules of the Division and generally to act according to the directions of the Divisional Conference and Executive;
- (v) to attend all meetings of Divisional Conference and Executive and to ensure that minutes of such meetings are taken;
- (vi) to keep a correct credit and debit account between every Branch of the Division;
- (vii) to produce to the auditor at each audit the banking books and financial records of the Division with balance sheet, for inspection together with the receipts and vouchers and all other documents in his/her possession and to sit with the auditors when auditing the Divisional Executive accounts, inserting his/her name and address on all letters and returns and generally maintain a report on the accounts of the Divisional Executive in accordance with the requirements of the Act;
- (viii) to convene meetings of the Divisional Executive;
- (ix) to supply all Branches with a copy of the minutes of meetings of Conference and the Divisional Executive;
- (x) to prepare a summary of Branch balance sheets and forward them to the Branch Secretaries;
- (xi) to prepare and forward the annual returns to the Industrial Registrar;
- (xii) to jointly edit with the Divisional President the official journal of the Division concerning matters of interest and information to members;
- (xiii) to keep the register of Branches of the Division in accordance with the provisions of Rule 49;
- (xiv) to do all other things required by these Rules of the Divisional Secretary together with such special duties and responsibilities as required and directed by Divisional Conference or Executive.

#### **41 - DUTIES OF DIVISIONAL ASSISTANT SECRETARIES**

The duties of the Divisional Assistant Secretaries shall be as follows:

- (i) to assist the Divisional Secretary in accordance with the directions and subject to the authority of the Divisional Secretary;
- (ii) to attend all meetings of Divisional Conference and Executive;
- (iii) to jointly prepare and submit the Divisional Executive Report when required;
- (iv) in the case of the Divisional Assistant Secretary (Postal) band subject to (i) above, to have responsibility for the implementation of Divisional Conference and Executive decisions and day to day matters which primarily affect Postal Services Industry Group members; and
- (v) in the case of the Divisional Assistant Secretary (Telecommunications) band subject to (i) above, to have responsibility for the implementation of Divisional Conference and Executive decisions and day to day matters which primarily affect Telecommunications and Information Technology Industry Group members.

#### **42 - OFFENCES AND PENALTIES**

- (a) Any member of the Division may charge any other member with:
  - (i) Failing to observe any of the Rules of the Division or of any Branch;
  - (ii) Knowingly failing to comply with any resolution of the Divisional Conference, the Divisional Executive or a Branch Committee of Management;
  - (iii) Committing any fraudulent act or unlawful act in relation to the funds or property of the Union, or in relation to any election held under its Rules;
  - (iv) Knowingly giving false or misleading information to the Divisional Conference, the Divisional Executive or a Branch Committee of Management or to any meetings held under the Rules of the Division or to any Officer of the Division on any matter affecting the interests of the Division or its members;
  - (v) Wrongfully holding himself/herself out as occupying any office or position in the Division or any Branch thereof, or as being entitled to represent the Division or a Branch in any capacity;
  - (vi) Obstructing or unreasonably failing to assist any Officer in the course of his/her duties;
  - (vii) After having been reasonably requested to assist, failing to assist the Divisional Conference, the Divisional Executive, any Branch Committee of Management or other lawful committee or body of the Division in any way in the performance of its functions;
  - (viii) Failing to report to the Divisional Executive or a Branch Committee of Management a member who he/she believes has been guilty of a breach of the Rules;
  - (ix) Behaving in a drunken, disorderly or offensive manner at any meeting held under the Rules of the Division or in the office of the Division or of any Branch;

- (x) Aiding or encouraging any member in any offence under the Rules.
  - (xi) Laying a charge or charges under this Rule which is or are frivolous, vexatious or without reasonable cause.
- (b) Without limiting the generality of sub-rule (a) of this Rule, any member of the Union may charge any person elected to office within the Division with:
- (i) Misappropriation of the funds of the Division;
  - (ii) A substantial breach of the Rules of the Division;
  - (iii) Gross misbehaviour; or
  - (iv) Gross neglect of duty.

Provided that where a full-time Divisional Officer is so charged, the charge shall be made to the Divisional Secretary.

- (c) Any charge laid pursuant to sub-rule (a) of this Rule shall be made in writing and shall be made to the Divisional Secretary or Branch Secretary. Such Officer may, if he/she thinks fit, and shall, if directed by the Divisional Executive or, in the case of the Branch Secretary, by the Branch Committee of Management, summon the member charged before one of those bodies. Notwithstanding anything else in these Rules including in particular Rule 16, in giving any direction under this sub-rule, each member of the Divisional Executive or Branch Committee of Management shall be entitled to exercise one (1) vote only.
- (d) Any charge laid against an Officer pursuant to sub-rule (a), any charge laid against a member pursuant to paragraph (xi) of sub-rule (a) in respect of any charge against an Officer and/or any charge laid pursuant to sub-rule (b) of this Rule shall be made in writing and shall be made to the Divisional Secretary or Branch Secretary. Such Officer may, if he/she thinks fit, and shall, if directed by the Divisional Executive or in the case of the Branch Secretary, by the Branch Committee of Management, summon the member charged before the External Disciplinary Board. Notwithstanding anything else in these Rules including in particular Rule 16, in giving any direction under this sub-rule, each member of the Divisional Executive or Branch Committee of Management shall be entitled to exercise one (1) vote only.
- (e) A summons shall be in writing and shall state the time and place of the hearing, the name of the person laying the charge, and the substance of the charge. The person charged shall be given reasonable notice of the hearing and his/her fares to and from the place of hearing shall be paid. He/she shall, on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which he/she is charged.
- (f) (i) The Divisional Executive and the Branch Committee of Management shall have power to hear and determine charges laid against a member pursuant to sub-rule (a) of this Rule other than a charge laid against a member pursuant to paragraph (xi) of sub-rule (a) in respect of any charge against an Officer. Notwithstanding anything else contained in these Rules including in particular Rule 16, in determining charges laid pursuant to sub-rule (a) of this Rule, each member of the Divisional Executive or Branch Committee of Management shall be entitled to exercise one (1) vote only.
- (ii) The External Disciplinary Board shall have the power to hear, report on and make recommendations with respect to charges laid against an Officer pursuant to sub-rule (a), charges laid against a member pursuant to paragraph (xi) of sub-rule (a) in respect of any charge against an Officer, or charges laid pursuant to sub-rule (b) of this Rule.

- (g) In the case of any charge against a member or an Officer, at the appointed time and place (or at such time and place to which the meeting is adjourned or postponed and of which the member charged is notified), the charge may be investigated, and the hearing may proceed in the absence of the member charged, unless a satisfactory explanation of his/her absence has been received. At the hearing the procedures in sub-rules (q) and (r), as the case may be, shall be followed and the member charged must be given a reasonable opportunity to defend himself/herself, call any witnesses upon his evidence he/she may rely, and, if he/she wishes, tender a written submission.
- (h) If the Divisional Executive or Branch Committee of Management finds a member guilty of a charge laid pursuant to sub-rule (a) of this Rule, it may:
  - (i) Fine him/her a sum not exceeding five-hundred dollars (\$500.00);
  - (ii) Expel him/her from membership of the Union;
  - (iii) Suspend him/her from membership for a specified period or until the happening of a specified event or until the performance by him/her of a specified act. Suspension from membership shall deprive him/her from the rights and benefits of membership, but shall not relieve him/her of the obligations of membership and shall not exceed six (6) months for any offence;
  - (iv) Impose no penalty.
- (i) At the conclusion of a hearing of the External Disciplinary Board, the Board shall provide a report to the Divisional Secretary or Branch Secretary (as the case may be) advising as to any findings of fact reached by the External Disciplinary Board concerning allegations made in relation to the charge together with recommendations to the Divisional Executive or Branch Committee of Management concerning the issue of whether, in the view of the External Disciplinary Board, the findings of fact are sufficient to justify a conclusion that the person charged is guilty of an offence under the Rules and if so, what offence or offences are so established in the view of the External Disciplinary Board. In addition, the report of the External Disciplinary Board shall make a recommendation as to what penalty, if any, permissible under the Rules, would be fair and appropriate for the Divisional Executive or Branch Committee of Management to impose on such Officer in the event that the recommendations of the External Disciplinary Board are followed by the Divisional Executive or Branch Committee of Management. For the purposes of this sub-rule, a report of the External Disciplinary Board may include the provision of more than one (1) report in the event that the External Disciplinary Board fails to reach an unanimous conclusion and provides a majority and a minority report.
- (j) The External Disciplinary Board, prior to making any recommendation in relation to a penalty/penalties shall afford the person laying the charge and the person so charged a reasonable opportunity to make submissions specifically in relation to penalty and shall give due consideration to such submissions prior to the making of any recommendation as to penalty.
- (k) The Divisional Secretary, or Branch Secretary, shall present the report and recommendations of the External Disciplinary Board to the Divisional Executive or Branch Committee of Management and such deliberative body shall give consideration to the report and recommendations. Where the report of the External Disciplinary Board finds that there are insufficient facts to justify a conclusion that the person charged is guilty of an offence under the Rules, the Divisional Executive or Branch Committee of Management shall find the Officer not guilty of the charge laid. Where in the view of the External Disciplinary Board the findings of fact are sufficient to justify a conclusion that the Officer charged is guilty of an offence under the Rules, the Divisional Secretary, or Branch Secretary, shall present the report and recommendations of the External Disciplinary Board to the Divisional Executive or Branch Committee of Management and such deliberative body shall give consideration to the report and recommendations. The Divisional Executive or Branch Committee of Management may, after due consideration, resolve to accept, accept in part, vary or reject the report and recommendations of the External Disciplinary Board.

- (l) Where the Divisional Executive or Branch Committee of Management gives consideration pursuant to sub-rule (k) of this Rule, notwithstanding anything else in these Rules including in particular Rule 16, each member of the Divisional Executive or Branch Committee of Management shall be entitled to exercise one (1) vote only.
- (m) Notwithstanding anything else contained in this Rule, the Divisional Executive or Branch Committee of Management shall not dismiss or suspend from office, or expel or suspend from membership of the Union any person elected to office within the Union unless such person has been found guilty of a charge laid pursuant to sub-rule (b) of this Rule, in which event the Divisional Executive or the Branch Committee of Management (as the case may be) may take in respect of such person any of the actions specified in sub-rule (h) of this Rule, or may dismiss such person from office or may suspend him/her from office for such period as it thinks fit or until the happening of a specified act provided that such suspension from office shall not exceed six (6) months for any offence.
- (n) Where a full-time Officer has been dismissed or suspended from office or expelled or suspended from membership of the Union in accordance with this Rule and he/she elects to appeal pursuant to sub-rule (o) of this Rule, he/she shall be deemed to have been suspended from office on full pay from the date of the imposition of such penalty until the hearing and determination of his/her appeal.
- (o) A member or an Officer who has been found guilty of a charge laid pursuant to sub-rule (a) or (b) of this Rule and on whom a penalty has been imposed by the Divisional Executive or Branch Committee of Management, may appeal to the External Appeals Board which may confirm, vary or annul the decision and/or penalty. Notice of appeal shall be given in writing to the Divisional Secretary within twenty-one (21) days from the date of the member or Officer being notified of the Divisional Executive or Branch Committee of Management and shall set forth in full all matters which the Appellant desires to be considered. The External Appeals Board shall hear the appeal as quickly as practicable. The decision of the External Appeals Board shall be final and conclusive. The Divisional Conference, Divisional Executive and/or the relevant Branch Committee of Management shall give immediate effect to a decision of the External Appeals Board.
- (p) Subject to sub-rule (n) of this Rule, application of any penalty imposed under this Rule shall be withheld whilst the member is exercising a right of appeal provided by this Rule.
- (q) For all investigations or inquiries or appeals provided for by these Rules and in particular by this Rule and including an appeal, the following procedure shall be followed:
  - (i) Inform the member charged that a charge has been laid against him/her under the Rules (quote rule) by a member (naming the Member) and that a Rule Book is available for him/her if he/she requires it. Read the charge;
  - (ii) Ask whether the member charged pleads guilty or not guilty;
  - (iii) Ask the member laying the charge to state a case;
  - (iv) Give the member charged and then members of the Tribunal or Board an opportunity to question the person laying the charge;
  - (v) Ask the member making the charge to call witnesses, if any, or other evidence;
  - (vi) Hear evidence of witnesses;
  - (vii) Give the member charged and then members of the Tribunal or Board an opportunity to question each witness;

- (viii) Ask the member charged to answer the case;
  - (ix) Give the member laying the charge and then members of the Tribunal or Board an opportunity to question the member charged;
  - (x) Ask the member charged for witnesses, if any, or other evidence;
  - (xi) Hear evidence of each witness;
  - (xii) Give opportunity to the member laying the charge and then members of the Tribunal or Board to question witnesses;
  - (xiii) Give the member laying the charge and then the member so charged an opportunity to address members of the Tribunal or Board on the whole case;
  - (xiv) Ask the member charged and the person laying the charge to withdraw while the matter is discussed by members of the Tribunal or Board. Inform them, if possible, how long it is expected before a decision or report will be given, eg telling them either to wait or that the decision or report will be notified in writing;
  - (xv) Discuss evidence and decide whether guilty or not. If guilty, decide or recommend on penalty, if any.
- (r) Provided that nothing in sub-rule (q) of this Rule shall prevent the External Disciplinary Board or the External Appeals Board from generally giving all such directions, and doing all such things, as are necessary or expedient for the speedy and just hearing of the matter.

#### **42A – EXTERNAL DISCIPLINARY BOARD AND EXTERNAL APPEALS BOARD**

- (a) For the purposes of Rule 42, the Divisional Conference shall, from time to time, appoint persons, qualified in accordance with this Rule, to constitute a body to be known as the External Disciplinary Board.
- (b) The External Disciplinary Board shall be chaired by a chairperson appointed by the Divisional Conference from a list of qualified persons provided to the Divisional Conference by the Divisional Secretary after consultation with the Branch Secretaries.
- (c) In addition to the appointment of a chairperson, the Divisional Conference shall appoint a number of persons, but not less than two (2), as alternate chairpersons, any one (1) of whom would be qualified to act as chairperson in the event that the chairperson is unable to perform that function in respect of any particular hearing.
- (d) For the purposes of this Rule, a person shall be qualified to be appointed as a chairperson or alternate chairperson if they have previously had experience as a judicial officer or Deputy President or Commissioner of an industrial tribunal or an industrial registrar or an industrial law practitioner and has retired from such office or profession.
- (e) A second and third member of the External Disciplinary Board shall be appointed by the Divisional Conference from a list of qualified persons provided by the Secretary of the Australian Council of Trade Unions (ACTU) following a request to the ACTU by the Divisional Secretary. For the purposes of this sub-rule, a person shall be qualified to be appointed if they are a retired union official with experience in union administration with a union other than the Union or its predecessors.

- (f) In addition to the appointment of ACTU nominated board members, the Divisional Conference shall appoint from the same list of persons at least four (4) alternate board members to the External Disciplinary Board in the event that either of the ACTU panel members are unavailable in respect of any particular hearing or for the purposes of the External Appeals Board.
- (g) The Divisional Conference shall determine the term of any appointment to the External Disciplinary Board provided that no appointment shall be made for a period of less than one (1) year or greater than three (3) years. Further provided that the Divisional Conference shall have the power to revoke any appointment to the External Disciplinary Board.
- (h) In the event that a member of the External Disciplinary Board declines to continue their participation in the functioning of the Board or has their appointment revoked, the Divisional Conference shall have power to appoint a replacement for such board member providing always that the replacement so appointed is qualified, in accordance with this Rule, in like manner to the Board member being replaced.
- (i) In the event of any appeal against any decision of the Divisional Executive or a Branch Committee of Management, the appeal shall be heard by the External Disciplinary Board sitting as the External Appeals Board.
- (j) In the event of any appeal against any decision of the Divisional Executive or a Branch Committee of Management arising from a report and recommendations of the External Disciplinary Board, the Board shall be reconstituted as the External Appeals Board. The External Appeals Board shall be reconstituted as follows:
  - (i) the Chairperson of the External Disciplinary Board appealed from; and
  - (ii) two (2) members qualified in accordance with sub-rule (e) hereof who did not sit on the External Disciplinary Board appealed from.
- (k) The Divisional Conference shall establish a schedule of sitting fees for the members of the External Disciplinary Board and the External Appeals Board.
- (l) To ensure that the External Disciplinary Board and the External Appeals Board are able to make arrangements for the independent administrative support of their work and to pay for sitting fees, and such travel, accommodation and other expenses they incur, Divisional Conference shall establish a procedure to ensure that the costs referred to in sub-rule (k) and in this sub-rule in respect of charges referred to the External Disciplinary Board by the Divisional Secretary and for appeals referred to the External Appeals Board by the Divisional Secretary shall be met out of the funds of the Divisional Conference account and that such costs incurred in respect of charges referred to the External Disciplinary Board by a Branch Secretary (and any appeal arising therefrom) shall be met out of the funds of the Branch in question.



### **43 - DIVISIONAL COUNCILS**

- (a) There shall be two (2) Divisional Councils constituted covering the Postal Services Industry Group known as the Postal Services Industry Council and the Telecommunications and Information Technology Industry Group known as the Telecommunications and Information Technology Industry Council respectively. The Postal Services and Telecommunications and Information Technology Industry Councils shall consist of the Divisional Officers and the Divisional Executive members from each relevant Industry Section.
- (b) The Divisional Councils shall consider and make recommendations only to the Divisional Conference and/or Divisional Executive on policy and industrial matters relating to the Industry Group they cover.
- (c) The frequency, dates and venues and agenda of Divisional Council meetings shall be determined by the Divisional Executive on the recommendation of the Divisional Secretary and Divisional President. The membership of certain Divisional Officers of both Divisional Councils will not prevent simultaneous meetings of both bodies.
- (d) Meetings of the Divisional Councils shall be convened jointly by the Divisional President and Divisional Secretary.
- (e) Divisional Councils will be properly constituted when at least (50) fifty per cent of members are present.
- (f) Each member of a Divisional Council shall have one vote. Resolutions shall be carried by a simple majority.

### **43A - NATIONAL WOMEN'S COMMITTEE**

- (a) The Divisional Secretary shall convene a National Women's Committee to be chaired by the Divisional Vice President (Affirmative Action) which shall meet at least annually. The Committee will be comprised of a maximum of two female representatives from each Branch, the Divisional Vice President (Affirmative Action) and the Divisional Secretary or their nominee. The committee can meet face to face, by telephone conference or by video conference. The Divisional Vice President (Affirmative Action) shall be responsible for referring decisions of the National Women's Committee to the Divisional Postal or Telecommunications councils and/or the Divisional Executive as appropriate.
- (b) The National Women's Committee will be properly constituted when at least (50) fifty per cent of members are present.
- (c) Each member of the National Women's Committee shall have one vote. Resolutions shall be carried by a simple majority.

## SECTION 2 - CONSTITUTION AND MANAGEMENT GENERALLY

### 44 - FORMATION OF BRANCHES

- (a) The Division shall consist of the following Branches:
- (i) the New South Wales (including residents in the ACT) Postal and Telecommunications Branch;
  - (ii) the New South Wales (including residents in the ACT) Telecommunications and Services Branch;
  - (iii) the Victorian Postal and Telecommunications Branch;
  - (iv) the Victorian Telecommunications and Services Branch;
  - (v) the Queensland Communications Division Branch;
  - (vi) the South Australian and Northern Territory Communications Division Branch;
  - (vii) the Western Australian Communications Division Branch;
- and such further or other Branches as may from time to time be determined by Divisional Conference.
- (b) Subject to these Rules, a Branch shall be autonomous in relation to matters affecting only members of the Branch and shall, in accordance with the Rules elect Branch Officers and manage the affairs of the Branch. All Branches shall comply with resolutions of Divisional Conference and Executive.

### 45 - DIVISIONAL CONFERENCE AND DIVISIONAL EXECUTIVE AUTHORITY OVER BRANCHES

- (a) If a Branch Committee of Management or an Officer of a Branch refuse or fail to comply with these Rules or with a lawful resolution of the Divisional Conference or lawful direction of the Divisional Executive, the Divisional Executive may, after inquiry, determine that the Branch Committee of Management or Officers of the Branch have acted in a manner prejudicial to the good order and government of the Division.
- (b) A determination under this Rule shall not be made unless:
- (i) the refusal or failure to comply, relates to a Rule, resolution or direction in respect of which notice to comply, so as far as practicable, has been brought to the attention of members of the Branch Committee of Management or the Officers of the Branch, and is not desisted from as soon as reasonably practicable after such notice;
  - (ii) the refusal or failure to comply amounts to a misappropriation of the funds of the Branch or the Division, a substantial breach of the Rules, gross misbehaviour or gross neglect of the duties of the Branch Committee of Management, or of the Officers of the Branch;
- (c) Where the Divisional Executive has made a determination under this Rule it may, after inquiry, and after hearing from (or providing reasonable opportunity to be heard to) representatives appointed by the Branch Committee of Management or Officers in defence of themselves or the Branch:
- (i) suspend the members of the Branch Committee of Management or Officers from office for such periods not exceeding 12 months as it determines;

- (ii) appoint at the expense of the Union a member of the Divisional Executive to conduct and manage the affairs of the Branch during the period of suspension, subject to the direction of the Divisional Executive; and
  - (iii) require such Branch Committee of Management to deliver up to the person so appointed all the funds of the Branch.
- (d) During the period of any suspension imposed pursuant to this Rule, a paid Officer of the Branch shall, subject to his/her not being removed from office pursuant to these Rules, continue to be remunerated out of the funds of the Branch and shall perform such duties as are allocated to him/her by the person appointed by the Divisional Executive to conduct and manage the affairs of the Branch.
- (e) Any Branch which fails to pay to Divisional Conference its membership contributions due under Rule 48 within one month after the close of the relevant monthly period shall be liable to be dealt with under this Rule.
- (f) All property, money and books of the Branch in respect of which there is a determination under paragraph (a) of this Rule shall, on demand made by the Divisional Executive to a person or member having the custody or control of same be forthwith delivered up to the person charged to receive them as specified in the demand.

**46 - INDUSTRY SECTIONS – QUEENSLAND, SOUTH AUSTRALIAN AND NORTHERN TERRITORY AND WESTERN AUSTRALIAN COMMUNICATIONS DIVISION BRANCHES**

- (a) The Queensland, South Australian and Northern Territory and Western Australian Communications Divisional Branches shall have two (2) Industry Sections and each member shall be allocated to an industry Section. The Industry Sections shall be constituted in the following manner:
- (i) Postal Services Industry Section:
    - (A) All members employed or otherwise engaged by the Australian Postal Corporation (or any successor thereto or a body corporate related to the Australian Postal Corporation (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and
    - (B) All members employed or otherwise engaged by employers which the Divisional Executive determines operates substantially in or in connection with the installation, maintenance or provision of postal services; and
    - (C) Without limiting the foregoing, all members eligible for membership pursuant to National Rules 2.5.1, 2.5.1(a), 2.6, 2.7, 2.8, 2.9, 2.11.2 or 2.21.1 (if employed or otherwise engaged by the Australian Postal Corporation)
  - (ii) Telecommunications and Information Technology Industry Section:
    - (A) All members employed or otherwise engaged by Telstra Corporation Limited (or any successor thereto or a body corporate related to Telstra Corporation Limited (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and

- (B) All members employed or otherwise engaged by Network Design and Construction Limited (or any successor thereto or a body corporate related to Network Design and Construction Limited (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and
  - (C) All members employed or otherwise engaged by Optus Administration Pty Limited (or any successor thereto or a body corporate related to Optus Administration Pty Limited (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and
  - (D) All members employed or otherwise engaged by employers which the Divisional Executive determines operates substantially in or in connection with the installation, maintenance or provision of telecommunications; and
  - (E) Without limiting the foregoing, all members eligible for membership pursuant to National Rules 2.5.2, 2.10, 2.11.1, 2.17 (if not employed or otherwise engaged by the Australian Postal Corporation), 2.18, 2.19, 2.20 and 2.21.1 (if not employed or otherwise engaged by the Australian Postal Corporation)
- (b) Industrial officers and employees of the Division shall be allocated to an Industry Section by the Divisional Executive consistent with sub-rule (a)

**46A – INDUSTRY SECTIONS – NEW SOUTH WALES AND VICTORIAN POSTAL AND TELECOMMUNICATIONS BRANCHES**

- (a) The New South Wales and Victorian Postal and Telecommunications Branches shall have two (2) Industry Sections and each member shall be allocated to an Industry Section. The Industry Sections shall be constituted in the following manner:
- (i) Postal Industry Section: All members employed by the Australian Postal Corporation, or by employers which the Divisional Executive determines operates substantially in or in connection with postal services;
  - (ii) Lines and General Industry Section: All members eligible for membership of the Union pursuant to National Rules 2.5 or 2.9 and all members who the Divisional Executive determines undertake functions substantially in or in connection with telecommunications services of a type traditionally provided by members but not members performing the functions which are specified in the Telecommunications Technical Officers structure, Electrical Officers structure, Production Officers structure and Tradesperson structure as set out in sub-clauses 8B1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 1 November, 1991 and the Operator Assisted Services structure in Clause 24 of the Australian Telecommunications Commission Telephone and Phonogram Staff (Salaries and Specific Conditions of Employment) Award 1978 as at 1 November, 1991, except those functions in common with functions specified in clause 51 of the Telecom/APTU Award 1989 as at 1 November 1991.

- (b) Industrial officers and employees of the Division shall:
- (i) in the case of persons who are members of the Division before becoming an Industrial Officer or employee remain in the Industry Section they were allocated to before becoming an Industrial Officer or employee;
  - (ii) in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by the Divisional Office of the Division – subject to the approval of Divisional Conference, be allocated to the Industrial Section of his or her choice and shall not be subsequently allocated to any other Industry Section;
  - (iii) in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by a Branch of the Division – subject to the approval of Branch Committee of Management be allocated to the Industry Section of his or her choice, and shall not subsequently be allocated to another Industry Section.

**46B – INDUSTRY SECTIONS – NEW SOUTH WALES AND VICTORIAN  
TELECOMMUNICATIONS AND SERVICES BRANCHES**

- (a) The New South Wales and Victorian Telecommunications and Services Branches shall have two Industry Sections and each member shall be allocated to an Industry Section. The Industry Sections shall be constituted in the following manner:
- (i) Technical Industry Section:
    - (A) all members eligible for membership of the Union pursuant to National Rule 2.11;
    - (B) all members who the Divisional Executive determines undertake functions substantially in or in connection with telecommunications services of a type traditionally provided by members of the Technical Industry Section of the ATEA/ATPOA but not members performing the functions which are specified in the Communications Officer Structure as set out in Clause 51 of the Telecom/APTU Award 1989 as at 1 November 1991, except those functions which are in common with functions specified in Clause 8B1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 1 November 1991; and
    - (C) all members of the Union employed by Optus Communications Pty Ltd or any of its subsidiaries or related companies.
  - (ii) Operator Industry Section: All members eligible for membership pursuant to National Rule 2.17, and all members who the Divisional Executive determines undertake functions substantially in or in connection with telecommunications services of a type traditionally provided by members of the Operator Industry Section of the ATEA/ATPOA as at 1 November 1991.

- (iii) Where the designation of a class of employees or a group of employees within a class is changed to another designation, and provided that the majority of functions undertaken by the members remains substantially unaltered, then the members will retain membership within their existing Industry Section.
- (iv) Where a new classification is created or where functions are substantially altered to the extent that the majority of functions are not clearly identified by reference to work carried out by the Branches the members shall be allocated to an Industry Section by agreement between the Industry Councils and failing agreement to an Industry Section determined by the Divisional Executive having regard to the following factors in descending order of importance:
  - (A) the Industry Section in which most of the functions of the new classification would ordinarily have been undertaken as at 1 November 1991.
  - (B) the Industry Section to which the members currently belong.
  - (C) ATEA/ATPOA and APTU Eligibility Rules as at 1 November 1991.
- (b) Industrial officers and employees of the Division shall:
  - (i) in the case of persons who are members of the Division before becoming an Industrial Officer or employee remain in the Industry Section they were allocated to before becoming an Industrial Officer or employee;
  - (ii) in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by the Divisional Office of the Division – subject to the approval of Divisional Conference, be allocated to the Industrial Section of his or her choice and shall not be subsequently allocated to any other Industry Section;
  - (iii) in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by a Branch of the Division – subject to the approval of Branch Committee of Management be allocated to the Industry Section of his or her choice, and shall not subsequently be allocated to another Industry Section.
- (c) In the case of Technical and Operator Industry Sections, on and from the date on which a Rule replacing National Rules 2.11 and 2.17 comes into effect persons becoming members of the Union will be allocated to an Industry Section by the Branch Secretary in consultation with a Branch Assistant Secretary from each Industry Section.
- (d) Nothing in sub-rule (c) shall affect the allocation of members to Industry Sections made while National Rules 2.11 and 2.17 are in effect.

#### **47 - CONTRIBUTION TO DIVISIONAL CONFERENCE**

- (a) Divisional Conference shall, from time to time, determine the percentage of members' contributions to be paid to Conference by Branches but at no time shall the contribution be set at less than 20.0% of members' contributions.

## 47A – DEFERRED PAYMENTS

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- (b) Each Branch Secretary shall, at the beginning of each calendar month and not later than the last working day of the month, pay to Divisional Conference an amount equal to the percentage of members contributions as determined by Divisional Conference received from members during the month immediately following the preceding financial quarter. This provisional calculation shall be used for each of the following three (3) calendar months.
- (c) Nothing in this Rule will prevent a Branch from making provisional payments, based on an estimate of membership receipts, by direct credit payment from a bank account or collection agency to the Divisional Conference.

In this case reconciliation of direct credit payments with contributions received from members will take place by the last working day of the month.

- (d) There shall be a further annual reconciliation conducted as soon as possible after the end of each financial year based on the audited statement of members' contributions received by each Branch.
- (e) Notwithstanding the provisions of sub-rules (a), (b), (c) and (d) of this Rule the Divisional Conference or Divisional Executive shall have power to enter into deferred payment arrangements with a Branch in accordance with Rule 47A to vary the timing and rate of payment of contributions by the Branch to the Divisional Conference in circumstances where such Branch is temporarily unable to meet the requirements of sub-rules (a), (b), (c) and (d) provided that this sub-rule does not permit the Divisional Conference or Divisional Executive to cancel or forgive the outstanding contributions of any Branch other than by a resolution by the Divisional Conference or Divisional Executive carried by 75% of the votes.

## 47A – DEFERRED PAYMENTS

- (a) This Rule applies:-
  - (i) When a Branch Secretary advises Divisional Conference, Divisional Executive or the Divisional Secretary that their Branch is temporarily unable to meet the requirements of sub-rules (a), (b), (c) and (d) of Rule 47; and/or
  - (ii) When the Divisional Secretary, acting upon a direction of Divisional Conference or Divisional Executive, notifies a Branch Secretary that their Branch has failed to meet the requirements of sub-rules (a), (b), (c) and (d) of Rule 47 and that the Branch in question is unfinancial for the purposes of Rule 5(i).
- (b) A notification pursuant to sub-rule (a)(ii) of this Rule shall not be issued unless the Divisional Conference or Divisional Executive has first been presented with a report prepared by the auditors to the Division advising that a reconciliation of the Branch accounts, including a comparison of cash receipts and accruals, establishes that the Branch has failed to contribute to the Divisional Conference the contributions required in accordance with Rule 47.
- (c) Notwithstanding the provisions of sub-rule (b) of this Rule where a Branch fails to provide access to records including computer records or fails to provide relevant documentation to permit a reconciliation to be undertaken or completed by the auditors appointed by the Division, the Divisional Conference or Divisional Executive has power to authorise the Divisional Secretary to issue the notification pursuant to sub-rule (a)(ii) of this Rule.

- (d) Where a Branch Secretary has advised of a temporary incapacity to meet contribution requirements pursuant to sub-rule (a)(i) of this Rule or where the Divisional Secretary has issued a notification to a Branch Secretary in accordance with sub-rule (a)(ii) of this Rule, a Branch Secretary shall, within a period of one (1) month, have prepared and lodged with the Divisional Secretary a deferred payment plan which will include a statement of the contributions owed to the Divisional Conference, a statement of the period over which it is proposed that such contributions be paid by the Branch to the Divisional Conference and the monthly or quarterly or other repayment amounts proposed under the deferred payment plan. Any such proposal provided by the Branch Secretary shall be accompanied by a report prepared by the Branch auditors advising as to the capacity of the Branch to meet its financial obligations under the Rules including the proposed deferred payments under the plan lodged by the Branch Secretary.
- (e) Upon receipt of a deferred payment proposal from a Branch the Divisional Secretary may, and if directed by the Divisional Conference or Divisional Executive shall, refer the proposal and supporting documentation, including the report of the Branch auditors, to the Divisional auditors for assessment and advice.
- (f) Within a period of two (2) months from the date of lodgement of the Branch proposal and supporting documentation including the report of the branch auditor, the Divisional Conference or Divisional Executive, as the case may be, shall adopt the deferred payment plan for the purposes of this Rule and for the purposes of Rule 47(e) subject only to the Divisional Conference or Divisional Executive having the power to reject the Branch proposal in circumstances where the Divisional auditors have provided a report to Divisional Conference or Divisional Executive advising that the proposal lodged by the Branch is not in the best financial interests of the Divisional Conference or fails to make adequate provision for the Branch to meet its financial obligations pursuant to Rule 47 and pursuant to this Rule notwithstanding the advice provided in support of the proposal by the Branch auditors.
- (g) Nothing in this Rule shall be taken to prevent communications between the Divisional Secretary and the Branch Secretary or between the Divisional auditors and the Branch auditors for the purpose of negotiating modifications to the Branch deferred payments proposal or to prevent an amended proposal being endorsed by the Divisional Conference or the Divisional Executive as the case may be.
- (h) Notwithstanding any other provision of this Rule no branch shall be deemed to be unfinancial for the purposes of Rules 5(i), 6(g), 10(f), 13(e) and 15(g) for a period of three (3) months from the date that the Branch Secretary advises pursuant to sub-rule (a)(i) of this Rule or three (3) months from the date upon which the Divisional Secretary notifies the Branch Secretary pursuant to sub-rule (a)(ii) of this Rule.

#### **48 - ALLOCATION OF FUNDS**

All monies received by Branches by way of contribution, entrance fee, fines or interest on deposits or investments shall be the property of the Division. Each Branch shall during each quarter pay to the Divisional Conference such sum as may be provided elsewhere under these Rules for the maintenance of the Head Office of the Division, together with any money collected as a result of any levy imposed by Divisional Conference for the purposes of meeting the financial obligations of the Division. The proportion of members contributions payable for the maintenance of Head Office shall, pending payment to the Conference, be paid into a special account with the Commonwealth Bank, a relevant Government owned State Bank or other financial institution approved by the Divisional Conference or Executive. The remainder of the monies received by Branches shall be retained by the receiving Branch for the purpose of defraying the costs of administering the affairs of the Branch within the territorial area of that Branch.



#### **49 - REGISTER OF BRANCH OFFICES**

There shall be at all times kept at the Head Office of the Division a record of the situation of the office in each of the Branches of the Division in each capital city.

#### **50 - REGISTER OF MEMBERS**

- (a) Each Branch Secretary shall keep a register of the names and addresses of all members of the Branch, including membership of the particular Industry Section to which they belong, which shall be open for inspection by an Industrial Registrar, or a person authorized by an Industrial Registrar, between the hours of 9.00am and 5.00pm Monday to Friday at the Branch Office of the Division and shall supply a copy of the same to the Divisional Secretary and/or Divisional President when required.
- (b) In conformity with the Act each Branch Secretary shall:
  - (i) enter in the register the name and postal address of each person who becomes a member, within 28 days after the person becomes a member.
  - (ii) remove from the register the name and postal address of each person who ceases to be a member within 28 days after the person ceases to be a member; and
  - (iii) enter in the register any change in the particulars shown on the register, within 28 days after the matter necessitating the change become known to the Division.
- (c) Within 28 days of the end of the financial year pursuant to Rule 29 each Branch Secretary shall forward to the Divisional Secretary a statement to the effect that during the preceding year the Register of Members was maintained in accordance with this Rule.

#### **50A - PURGING OF THE REGISTER**

- (a) Each Branch Secretary shall from time to time as directed by the Branch Committee of Management remove from the Register of Members the names and postal addresses of all members who satisfy the following criteria:
  - (i) All members owing entrance fees, contributions, levies or fines imposed in accordance with the Rules of the Union or the Division for a continuous period of thirty (30) days since the amount or amounts became payable, provided that the Branch Secretary may remove the names and postal addresses of such members from the Register of Members no later than twelve (12) months after the end of the thirty (30) day period in the absence of a direction from the Branch Committee of Management.
  - (ii) All members who have ceased to be eligible for membership of the Union under the Rules of the Union, by reason of ceasing to work in the industry or industries specified in Rule 2 of Section "A" of the Rules of the Union or otherwise, for a period in excess of twelve (12) months. Provided that no member shall be deemed to have ceased to be eligible for membership of the Union who is elected or appointed as an officer of a Labor/Labour industrial organisation or a Labor/Labour political body or is elected to the Federal, a State or Territory Parliament.

- (b) The Branch Secretary shall give a member fourteen (14) days notice in writing to the member's last postal address shown on the Register of Members of the intention to remove the name and postal address from the Register.
- (c) Any person whose name and postal address is removed from the Register of Members under this Rule ceases to be a member of the Union on the day his or her name and postal address is removed and ceases to have any of the rightful privileges of membership from that day.
- (d) Any such person so removed shall be liable to pay all such entrance fees, contributions, levies or fines imposed in accordance with the Rules of the Union or Division and any other monies due to the Union up to the date of removal of the person's name and postal address from the Register, and, in default of payment, may be sued for any outstanding amounts.
- (e) Any person whose name and postal address is removed from the Register of Members under this Rule, may appeal to the Divisional Executive against any action or decision of a Branch Committee of Management or Branch Secretary taken pursuant to this Rule within fourteen (14) days of that action or decision. Notwithstanding sub-rule 1, the lodging of an appeal will act as an automatic stay of the removal of the person's name and postal address from the Register pending the determination of the appeal by the Divisional Executive. In the event that the Divisional Executive decides to reinstate the person's membership, and provided they have paid all entrance fees, contributions, levies or fines owed to the Union in accordance with these Rules, they shall be deemed not to have broken their continuity of their membership of the Union.

## **51 - RULES**

Each member shall be entitled, upon application to the Branch Secretary, to a copy of the Rules of the organisation or Branch or a copy of any amendments of the Rules made since a specified time, the first copy of which shall be supplied free of charge. Subsequent applications for a copy of the Rules or amendments thereto by a member if the member has been provided with a copy of the same Rules or amendments free of charge within the preceding 3 years shall be accompanied by a fee as prescribed by the Act.

## **52 - MINUTES OF MEETINGS**

Each member shall be entitled to peruse the minutes of any meeting conducted under the Rules of the Union on application to the Branch Secretary.

## **53 - BRANCH OFFICERS**

- (a) There shall be Branch Officers as provided in these Rules.
- (b) The duties of the Branch Officers, when provided for in sections 3, 4 and 5 of these Rules shall be:
  - (i) Branch President: the President shall be the recognised head of the Branch, and he/she shall preside at all Branch Executive, General, Special General and Branch Committee of Management meetings and shall ensure that the general working of the Branch is carried out in conformity with the Rules, the resolutions of Divisional Council, Conference and the instructions of the Divisional Executive. He/she shall sign in accordance with the Rules cheques and all documents requiring his/her signature as required by the Branch Executive or the Branch Secretary. Where the Branch President's position is a full time position he/she shall carry out his/her industrial duties in accordance with the directions of the Branch Secretary subject to the decisions of the Branch Committee of Management;

- (ii) Branch Vice President: the duties of the Branch Vice President shall be to assist the President. In the absence of the President, one of the Vice Presidents shall occupy the Chair, conduct the business, and perform all duties of the President. He or she shall sign in accordance with the Rules, cheques and all documents requiring his or her signature as requested by the Branch Secretary.
- (iii) Branch Secretary: the duties of the Branch Secretary shall be to:
  - (A) convene and attend each meeting of the Branch Committee of Management, Branch Executive and each General Meeting of the Branch where practicable and to compile and maintain the minutes of such meetings;
  - (B) attend to Branch correspondence;
  - (C) have charge of the books and documents of the Branch;
  - (D) manage and be responsible generally for the administration of the Branch Office and Branch Officers subject to the Rules;
  - (E) maintain a register of membership in accordance with rule 51;
  - (F) forward annually, to the Divisional Secretary a statement of the total membership and financial membership of the Division and of the Branch on the 31st March;
  - (G) prepare and issue to the Annual General Meeting of the Branch the Annual Report of the Branch and an account of the income and expenditure of the Branch;
  - (H) forward to the Divisional Secretary forthwith after its issue, a copy of the Branch Annual Report and account of the income and expenditure of the Branch;
  - (I) maintain an accounting record of the financial transactions of the Branch showing the source and nature of all income received and the nature and purpose of all expenditure made;
  - (J) make all payments on behalf of the Branch, receive all money payable to the Branch and promptly deposit such money in the bank account of the Branch;
  - (K) perform such other duties as may from time to time be directed by the Branch Committee of Management, or Branch General Meeting;
  - (L) provide the Divisional Conference or Branch Committee of Management with a statement of the financial affairs of the Branch when so directed;
  - (M) provide for the collection of fines, levies and subscriptions (other than subscriptions derived from salary) payable by members of the Branch to the Division or the Branch.
  - (N) manage and be responsible for the day to day Branch issues.

- (iv) Branch Assistant Secretary: the duties of the Branch Assistant Secretary shall be to relieve the Branch Secretary and to attend all meetings of the Branch and to take rough minutes of the proceedings, except where otherwise directed by the Branch Secretary. At all other times he/she shall render such assistance as may be required by the Branch Secretary. In the absence of the Assistant Secretary for periods exceeding one week, Branch Committee of Management may appoint another member of the Branch Committee of Management as Acting Branch Assistant Secretary.
- (v) Honorary Branch Assistant Secretary: the Honorary Branch Assistant Secretary shall perform such duties of the Branch Assistant Secretary as are consistent with the honorary status of the office.
- (vi) Branch Organiser: the duties of the Branch Organiser shall be, under the general direction of the Branch Secretary, to visit workplaces, undertake representations on behalf of members, attend all meetings of the Branch, except when performing duties away from the Branch centre, and all other duties as may be required by the Branch Secretary.

#### **54 - BRANCH EMPLOYEES**

- (a) Branch Committees of Management shall, have power to employ Industrial Officers, Employed Organisers, Recruiters, Campaigners, Temporary Organisers and clerical staff. Any person shall be eligible for employment as Industrial Officer, Employed Organiser, Recruiter, Campaigner, Temporary Organiser or as a member of clerical staff. The method of selection and pay and conditions shall be determined by the Branch Committee of Management. The duties of the Industrial Officer, Employed Organiser, Recruiter, Campaigner, Temporary Organiser or members of clerical staff shall be determined by the Branch Secretary.

#### **55 - POWER TO ENTER AND INSPECT PREMISES**

An honorary Branch Officer who holds a permit to enter and inspect premises in accordance with the provisions of the Act shall exercise his/her rights under such a permit with the authority of the Branch Secretary or Branch Committee of Management.

#### **56 - BY-LAWS**

Branches shall have power to make by-laws for the conduct of the management of the Branch and of any of the Committees thereof; provided that any by-law so made does not conflict with these Rules and has been submitted to the Divisional Executive which may disallow any by-law dealing with a matter other than a matter affecting members of the Branch only; provided further that any disallowance of any by-law submitted in accordance with this Rule shall be decided by the Divisional Executive within 28 days.

#### **57 - AFFILIATION WITH ANY ORGANISATION**

A Branch may affiliate with any organisation in the State subject to endorsement by the Divisional Conference.

**58 - BRANCH FUNDS AND PROPERTY**

- (a) The funds of the Branch ("the Branch funds") shall consist of:
  - (i) any real or personal property of which a Branch by the Rules or by any established practice not inconsistent with the 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 amount of subscriptions received by a Branch less so much as is payable to the Divisional Conference, the amount of any levy imposed and received by the Branch and the amount of any fines received by the Branch;
  - (iii) any interest, rents or dividends derived from investment of the Branch fund;
  - (iv) any superannuation or long service leave fund operated or controlled by a Branch for the benefit of its Officers or employees;
  - (v) any property acquired wholly or mainly by expenditure of the monies of the Branch fund or derived from other assets of the fund; and
  - (vi) the proceeds of any disposal of parts of the fund.
- (b) All monies received by the Branch shall be banked in the name of the Union in one or more of the following ways:
  - (i) by way of account, whether at call or otherwise with a duly registered credit union that offers services to members; or
  - (ii) by way of current account and/or fixed deposit with any Government owned State Bank or other financial institution approved by the Branch Committee of Management.
- (c) There shall be a separate account for the deposit of monies representing the proportion of member's contributions payable for the maintenance of Divisional Office.
- (d) The Branch Committee of Management may on behalf of the Branch expend Branch funds in the purchase of land and buildings including the redevelopment of land and buildings and may invest Branch funds in securities issued by a Government or local Government body or statutory authority or any company to promote the welfare of members.
- (e) Where monies are held in more than one account the Branch Secretary shall maintain a register of such accounts or other investments as part of the Branch books for audit purposes.
- (f) No monies shall be withdrawn from the account or accounts except by cheques signed by the Branch Secretary together with the Branch President, or in his or her absence an Officer or Branch Committee of Management member nominated by him or her as the authorised signatory for the duration of his or her absence.

- (g) The Branch Committee of Management may, on receipt of the report and recommendation of the Branch Secretary, discharge from the records of the Branch a debt which, in the opinion of the Branch Secretary and Branch Auditor is irrecoverable. Provided that:
- (i) this provision shall not apply to debtors who are members of the Union or persons who ceased to be members less than twelve months prior to the date of the Branch Committee of Management Decision;
  - (ii) the report of the Branch Secretary to the Branch Committee of Management shall detail the recovery action undertaken.

### **59 - ACCOUNTS, BALANCE SHEET AND AUDIT**

The financial year of Branches shall terminate on 31st March in each year. A certified balance sheet in respect of each year, with the auditor's report thereon, shall be published, distributed and presented to members in accordance with the provisions of the Act . Each Branch shall, subject to any directions that may be given from time to time by the Divisional Conference, follow a system of bookkeeping acceptable to its public auditor.

### **60 - AUDITORS**

An auditor who is a person competent within the meaning of the Act , shall be appointed, who at least once a year, and at other times when instructed, shall take the books of the Branch, and balance sheets with all receipts and other documents, compare them, and draw up a correct report on same. The report shall also include the auditor's report, the general purpose financial report and the operating report as prescribed by the Act. Auditors finding any deficiencies shall state the particulars in the report and lay the same before the next meeting of the Branch Committee of Management.

### **60A - FINANCIAL REPORTING REQUIREMENTS**

- (a) The Branch Secretary shall within five (5) months of the end of the financial year provide free of charge to all members of the Branch a copy of the full report for the financial year. The full report may be circulated to members by publication in the Branch journals, by correspondence or email, on the Branch's website or by some other method where all Branch members have access to and are able to view the full report.
- (b) Notwithstanding sub-rule (a) the Branch Committee of Management shall have the power to resolve that a concise report is to be provided to members in lieu of a full report.
- (c) The Branch Secretary shall on the requisition in writing and signed by 5% or more of the Branch's members, call a Special Branch General Meeting for the purpose of considering the auditor's report, the general purpose financial report and the operating report.
- (d) The requisition must be made within six (6) months of the end of the financial year and state that the purpose of the Branch General Meeting is to consider the auditor's report, the general purpose financial report and the operating report of the Branch for the financial year.

The Special Branch General Meeting shall be called and held in accordance with Rules 83, 85 and 86.

### **61 - STATEMENT OF BRANCH MEMBERSHIP**

The Secretary of each Branch shall, within 28 days of the 31st March, in each year notify the Divisional Secretary in writing of the number of members in each Industry Section within the Branch books as at that date.

### **62 - RANKING OF POSITIONS IN ELECTIONS**

- (a) No person shall hold more than one of the positions of Divisional Secretary, Divisional Assistant Secretary, Branch Secretary, Branch Assistant Secretary, Organiser, Branch President, Branch Vice-President or member of Branch Committee of Management.
- (b) No person shall hold more than one (1) of the positions of Divisional President, Divisional Secretary or Assistant Divisional Secretary.
- (f) In determining the vote for Divisional Officer the votes shall be counted in the following order:
  - (i) Divisional President;
  - (ii) Divisional Secretary;
  - (iii) Divisional Assistant Secretary;
  - (iv) Divisional Vice-President - Affirmative Action;
  - (v) Divisional Vice-Presidents;
  - (vi) National Councillor
  - (viii) Divisional Conference Member;
  - (x) Divisional Executive Member;
- (g) In determining the vote for Branch Officer the votes shall be counted in the following order:
  - (i) Branch Secretary;
  - (ii) Branch Assistant Secretary;
  - (iii) Branch Organiser;
  - (iv) Branch President;
  - (v) Branch Vice President;
  - (vi) Committee of Management Member;

### **63 - HONORARIA AND ALLOWANCES**

- (a) Subject to these Rules, each Branch at its Annual General Meeting shall fix for the ensuing twelve months the honoraria, fees and allowances to be paid to its Honorary Branch Officers, Members of Committee of Management, members of Branch Executive, other Committees of Branches and the Returning Officer provided that where a member of the Branch shall lose salary including shift penalties or higher duties whilst transacting business for the Division, which is authorised by the Branch Secretary or Branch Committee of Management, he or she shall be reimbursed in full for all such losses sustained from the funds of the Branch.

- (b) Any member of the Union, when deputed to transact business on behalf of the Division, or any Branch or Industry Section thereof, shall receive such sum per day including the time legitimately taken up in journeying from and returning to his or her place of residence, as may be determined by the General Meeting of the Branch, together with economy class fare to and from the place where his or her services are required.

#### **64 - ORDER OF BUSINESS**

- (a) At every Special General Meeting or Extraordinary General Meeting of a Branch, the circumstances under which it has been convened shall be explained by the Presiding Officer, and the business for consideration shall be proceeded with. No business except that expressly stated in calling the meeting shall be discussed at such meeting.
- (b) At every ordinary meeting of a Branch the first business shall be the reading and confirmation of the minutes of the preceding meeting, and no discussion shall be permitted thereupon except as to their accuracy as to the record of proceedings. After the reading of the minutes the order of business shall be as follows, or nearly thereto as may be practicable, but the order of business may (wherever it is considered advisable) be altered by direction of the meeting:
  - (i) business arising out of minutes;
  - (ii) roll call;
  - (iii) new members;
  - (iv) presentation of reports;
  - (v) finance;
  - (vi) correspondence, considering and ordering thereon;
  - (vii) questions;
  - (viii) business of which notice has been given;
  - (ix) notice of motion;
  - (x) fixation of allowances and honoraria;
  - (xi) nomination of officers;
  - (xii) general business.
- (c) At Special Branch General Meetings or adjourned meetings of the Branch the special or adjourned business only shall be dealt with.
- (d) At every Annual General Meeting of a Branch the order of business shall be as follows:
  - (i) Reading and confirmation of Minutes.
  - (ii) Correspondence read and dealt with.
  - (iii) Appointment of Returning Officer and Auditor.
  - (iv) Presentation of the Secretary's Annual Report.
  - (v) Motions of which Notice has been given.
  - (vi) General Business.

#### **65 - TERMS OF OFFICE**

- (a) Full time and Honorary Branch Officers shall be elected for a term of 4 years and shall take up office from 1 August in the year of election following the declaration of the office in question.



- (c) In the event the Returning Officer is unable to declare a person elected to an office on or before 1 August in the year of election the person holding office shall remain in that office until the office is declared elected.

### 66 - BRANCH NOMINATIONS

- (a) Candidates for office on the Branch Committee of Management except where otherwise provided, must be financial members of the Branch and be nominated in writing by at least two other financial members of the Branch. All nomination papers must be signed by and contain the addresses of those making the nomination and be countersigned by the person nominated. The provisions of this sub-rule shall also apply to candidates for office as Returning Officer, Assistant Returning Officer, Divisional Conference Delegate and Divisional Executive Member of the Division and any other office within the jurisdiction of the Branch. No person shall be eligible to be nominated for or elected to any office or position unless such person shall have been a continuously financial member of the industry group within the Branch for a period of not less than 12 months immediately prior to the closing date of nominations.
- (b) Candidates for Office of: Branch Vice President, Technical Industry Section, Branch Vice President, Operator Industry Section, and Industry Section Committee of Management Members must be financial members of the relevant Industry Section and be nominated in writing by at least two (2) other financial members of the same Industry Section.
- (c) Candidates for the office of: Branch Assistant Secretary (Technical Industry Section), Branch Assistant Secretary (Operator Industry Section), Branch Organiser (Technical Industry Section) and Branch Organiser (Operator Industry Section) must be financial members of the Branch and be nominated in writing by at least two other financial members of the relevant Industry Section.
- (f) Nominations for any office which has been declared a full-time office, or which has been declared a full-time position of Organiser, shall, except in the case of a vacancy provided for in Rule 68 or 69, be called for by notice published in a Divisional Executive journal or Branch Circular.
- (g) All nominations for office, including full-time offices, or full-time position of Organiser, shall be called for by the Branch Returning Officer, on the first day of April in the year of election or should that day be a Saturday, Sunday or holiday, on the first day thereafter which is not a Saturday, Sunday or holiday, and shall close at 12 noon fourteen (14) days thereafter or, should that day be a Saturday, Sunday or a holiday on the first day thereafter which is not a Saturday, Sunday or a holiday. Nominations shall be addressed to the Branch Returning Officer.
- (h) If the Branch Returning Officer finds a nomination to be defective he/she shall, before rejecting the nomination notify the person concerned of the defect, and where it is practicable to do so, give him/her the opportunity of remedying the defect within seven days after his/her being notified.
- (i) If there be no more valid nominations than there are vacancies for a position, the Branch Returning Officer shall declare the nominated person or persons elected to the position.

- (j) If more valid nominations are received than there are vacancies for a position, the Branch Returning Officer shall have ballot papers printed and delivered to him/her containing the names of the candidates for each position arranged in the order they are drawn, indicating the number to be elected for each position, the manner in which votes shall be recorded and the date and the time of the closing of the ballot, such date and time being not later than 12 Noon on the thirtieth day of June in the year of the election or on the first working weekday following should the thirtieth day of June fall on a holiday or weekend and indicating the ballot shall commence on the first day of June or the first working weekday following that date in the year of the election.

### 67 - BRANCH ELECTIONS

- (a) The election of Officers of the Branch Committee of Management and of other Officers required to be elected under this Rule shall be conducted by the Branch Returning Officer by secret postal ballot of financial members of the Branch. The positions referred to in 75(e), 76(d) and 76A(f) not otherwise specified as being elected by the financial members of the Branch shall be elected by secret postal ballot of financial members of the relevant Industry Section.

The ballot shall close at 12 noon on the thirtieth day of June in the year of the election or on the first working weekday following should the thirtieth day of June fall on a holiday or weekend and shall commence on the first day of June or the first working weekday following that date in the year of the election.

- (b) The Branch Returning Officer shall:
- (i) prepare a Roll of Voters who are entitled to vote in the election. The Roll of Voters shall close seven (7) days before the day on which nominations for the election are to open. Nothing in this sub-rule shall prevent the correction of errors in the Roll of Voters after the Roll is closed.
  - (ii) make the Roll of Voters available for inspection and copying by members or by any other person authorised by him/her, to be used for election purposes only, during ordinary business hours at the place where he/she carries out their duties in relation to the election in the period commencing the day after the Roll of Voters is closed and ending thirty (30) days after the declaration of the result of the election.
  - (iii) keep the Roll of Voters and they may be supplied electronically.
- (c) The official designation of any candidate and/or the section in which he/she is employed shall not be permitted to appear on any ballot paper issued by the Branch Returning Officer.
- (d) The Branch Returning Officer shall:
- (i) be responsible for the safe custody of the ballot papers;
  - (ii) obtain from the printer a certificate of the number of ballot papers printed;
  - (iii) initial every ballot paper prior to its distribution;

- (iv) (A) forward by pre-paid post in an envelope having as few distinctive characteristics as possible to each member entitled to vote:
  - (1) such ballot paper or ballot papers as is or are appropriate for the purpose of the election;
  - (2) a pre-paid or business reply paid envelope having as few distinctive characteristics as possible addressed to the Returning Officer at a Post Office Box number designated by him/her;
  - (3) an envelope capable of insertion in the outer envelope referred to in (ii) above, such envelope to have provision on the outside of the envelope for the member to fill in the member's name and address and to sign his or her signature;
  - (4) an envelope marked 'ballot paper only' capable of insertion in the envelope referred to in (3) above;
  - (5) voting instructions, printed either on the ballot paper referred to in (1) above or on a separate sheet of paper, containing such voting instructions as the Returning Office considers necessary or desirable including an instruction that the completed ballot paper should be inserted in the envelope referred to in (4) above, the envelope sealed and inserted into the envelope referred to in (3) above, the name, address and signature to be completed on the envelope referred to in (3) above, the envelope sealed and enclosed in the outer envelope referred to in (2) above and returned by post to the Returning Officer. Such instructions shall make clear that the process of counting by the Returning Officer shall eliminate any possibility of ascertainment of a member's identity.
- (B) at the time of forwarding of ballot papers and other documents referred to in (A) above and, subject to the employer corporations approval, prepare a Notice and arrange for the placing of such Notice on the Notice Boards at places where more than ten members work or report for work, informing members of the forthcoming election, the distribution of ballot papers and a statement that any member entitled to vote who does not receive a ballot paper by a date specified by the Returning Officer in his/her discretion, being a date some date after projected posting and before counting begins, to report such non receipt to the Returning Officer;
- (v) control a ballot box provided for the receipt of ballot papers and in the presence of the scrutineers if they desire to be present to see that the box is empty immediately prior to the opening of the ballot and thereupon seal the said box and to ensure that it remains sealed, until the time fixed for the closing of the ballot;
- (vi) (A) after the closing date of the ballot in the presence of scrutineers appointed pursuant to Rule 71(c) to open each envelope referred to in (d)(iv)(A)(2) above which has been returned to him/her, examine the section of the envelope referred to in (d)(iv)(A)(3) above, strike the name of the member appearing thereon off the roll as having voted in the election, and subject to (B) below, admit the inner envelope marked 'ballot paper only' containing the ballot paper to the count after removing it from the outer envelope;

- (B) conduct prior to the removal of the inner envelope marked 'ballot paper only', in the presence of scrutineers, a random check of the signatures appearing on the outer envelope by comparing approximately one signature in every one hundred votes of the signature appearing in the organisation's records, provided the Returning Officer shall have a complete discretion to check any additional signatures as he/she thinks fit;
  - (C) engage, if he/she thinks fit, the services of a Bank Officer, or such other person skilled in the comparison of signatures, to assist him/her in decisions relating to signatures, providing that the Returning Officer shall be the final judge of whether the envelope has been signed by the member named therein;
  - (D) after processing each of the envelopes referred in (A) above, to remove the ballot papers admitted to the count from the envelopes marked 'ballot paper only' and proceed to count the ballot;
  - (E) no envelope referred to in (d)(iv)(A)(3) above shall be admitted to the count if the envelope has not been filled up or has not been filled up to an extent sufficient in the opinion of the Returning Officer to enable him/her to be satisfied as to the identity of the member casting such vote;
  - (F) to retain for a period of twelve months after completion of an election the roll of voters, and each envelope and the ballot paper referred to above;
  - (G) the Returning Officer for the purposes of carrying out the matters set out in (A), (B), (C) and (E) above may require the relevant Branch Secretary to provide him/her with reasonable access to the Branch Membership Records at such and for such period or periods of time as he/she might reasonably require. Such access shall not be or deemed to be possession for the purposes of (F) or the provisions of the Act though any copies of such membership records, or parts thereof, made by or on behalf of the Returning Officer and coming into his/her possession shall be retained for a period of twelve months in accordance with the provisions of the Act or pursuant to (F) above as the case may be.
  - (H) wherever in this Rule there is reference to the Returning Officer such expression shall include any of his/her staff or any person duly authorised by him/her or on his/her behalf to conduct or assist in the conduct of any of the said elections or any part thereof.
- (vii) following the close of nominations in the year of election the Returning Officer shall declare the results of the ballot as a whole or as far as it has progressed and submit a report to the Branch Secretary. On completion of the ballot for the remaining positions, the Returning Officer shall declare the result of the ballot and submit a full report to the Divisional Secretary indicating the number of ballot papers printed, the number distributed, the number on hand, and any other relevant matters.
- (e) The system of voting adopted by a Branch shall be known as first past the post and shall allow for an order of preference to be indicated by the voter so that in the event of the elimination of a candidate or candidates an effective vote may still be cast. In the event of the votes of two or more candidates, one of whom is sitting Officer, being equal, the sitting Officer shall be declared to be elected. In other cases of equal voting the Returning Officer shall determine the ballot by drawing lots. Where a member votes and his/her intention is clear, his/her vote will be included in the count. This intention may be indicated by a cross or a tick or a number.

- (f) The election of Branch Committee of Management Members shall be conducted by the Branch Returning Officer in a similar manner to the election of other Officers of the Branch; provided that in the election of these Members the voting shall be confined to members attached to the respective Industry Sections, a list of whose names shall be supplied by the Branch Secretary.
- (g) One member from each Industry Section, elected by a General Meeting, shall be present as scrutineers during the counting of the ballot.
- (h) Branches shall provide, by resolution of the Branch Committee of Management for the election of Delegates and/or Alternate Delegates to any body, having a state-wide character and with which a Branch is affiliated. Alternate Delegates so elected shall be entitled to act in the unavoidable absence of Delegates. Delegates and/or Alternate Delegates to these bodies shall be elected at such time and place as may be determined by the Branch from time to time. Nominations of Alternate Delegates shall be called for and made as an office and be elected in a separate ballot from that of Delegates and the ballots for these positions shall be conducted by the Branch Returning Officer by a secret ballot of the Branch Committee of Management.

Representatives and Deputy Representatives on Promotions Appeal Boards constituted by the Postal and Telecommunications Commissions shall be elected by the Branch Committee of Management in the same manner as provided for in this sub-rule. Nominations for all such positions shall be called for as provided in these Rules.

- (i) Any candidate for election to a position on the Branch Committee of Management or any other position which is included in the ballot at the Biennial Election of Officers may, on payment of a sum of \$10 and within seven days of the declaration of the poll or ballot, lodge with the Secretary of the Branch to which he/she is attached a demand for a recount, with the right to appoint his/her own scrutineer, and upon receipt of such demand the Secretary shall arrange within seven days for a recount to take place. In the event of the recount result being in favour of the person seeking the recount, the sum of \$10 shall be refunded to the person concerned.
- (j) The Branch Returning Officer may take action and give such directions as he/she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the Rules in the conduct of the election.
- (k) Circulars on behalf of candidates shall not bear the word "Official" and shall be authorised by at least one member of the Division.

### **68 - FILLING BRANCH VACANCIES - SHORT TERM**

- (a) In the event that any Branch Officer or Branch Committee of Management position becomes vacant for any reason and the unexpired part of the term is less than twelve (12) months or three quarters of the term of office before the date of the closing of the ballot for the next elections whichever is the greater the vacancy shall be declared vacant by the Branch Committee of Management at its next scheduled meeting and shall be filled by appointment of the Branch Committee of Management within three (3) months of the declaration of the vacancy.
- (b) A person elected under this Rule to a Branch Office or Branch Committee of Management position shall hold office until the completion of the Branch ballot next following the filling of the said vacancy and if nominating for the same office or position at the next Branch ballot shall be deemed to be the holder of that office or position in accordance with Rule 4(j).

**69 - FILLING BRANCH VACANCIES - LONG TERM**

- (a) In the event that any Branch Officer or Branch Committee of Management position becomes vacant for any reason and the unexpired part of the term is more than twelve (12) months or three quarters of the term of office before the date of the closing of the ballot for the next election whichever is the greater, the vacancy shall be declared vacant by the Branch Committee of Management at its next scheduled meeting following the occurrence of the vacancy. The election shall be conducted in the same manner and subject to the provisions of Rules 66 and 67.
- (b) A person elected under this Rule to a Branch Office or Branch Committee of Management position shall hold office until the completion of the Branch ballot next following the filling of the said vacancy and if nominating for the same office or position at the next Branch ballot shall be deemed to be the holder of that office or position in accordance with Rule 4(j).

**70 - CASUAL VACANCIES-BRANCH OFFICERS-FULL TIME POSITIONS**

- (a) Notwithstanding anything contained in Rules 68 and 69, where an office of a full-time officer (other than the position of a full-time Branch President or a full-time Branch Secretary) becomes vacant more than 56 days prior to the opening of nominations for the next election of the office concerned as provided by Rule 66, the Branch Committee of Management may resolve to abolish the office.
- (b) Where the abolition of an office referred to in sub-rule (a) would result in no Divisional representation for a particular Division in the Branch office the Branch Committee of Management may resolve to abolish the office, or to convert the office to an honorary office.
- (c) Where the Branch Committee of Management, resolves to abolish an office or to convert an office to an honorary office as referred to in sub-rule (a) or (b) hereof, the Branch Secretary shall refer the resolution to the Divisional Secretary who shall in accordance with Rule 10(b) submit to Divisional Conference within 14 days:
  - (i) the resolution to abolish the office, or to convert the office to an honorary office, as the case may be, for endorsement; and
  - (ii) the necessary rule changes required under the rules to abolish the office concerned or to convert the office concerned into an honorary office.
- (d) Pending requirements of sub-rules (a), (b) and (c) and the certification of the rule changes by an Industrial Registrar, the provisions of Rules 68 and 69 shall not apply.

### **71 - BRANCH RETURNING OFFICER**

- (a) A Branch Returning Officer and an Assistant Returning Officer shall be selected by a Branch General Meeting or the Branch Committee of Management at the Annual General Meeting in the year preceding the year of election conducted pursuant to Rule 68 and 69 from a list of candidates who are financial members or Honorary Life Members of the Branch within the State in which the head office of the Branch is situated, and who do not hold any other office in, nor are employees of, the Union or of a Branch or Section or Division of the Union. The Branch Returning Officer shall be responsible for the conduct of all elections to an office within the Branch. Candidates for selection as Branch Returning Officer must make application in writing to the Branch Secretary. Applications must contain the address of the candidate and will close with the Branch Secretary at a time fixed by the Branch Committee of Management.
- (b) The Assistant Returning Officer shall assist the Returning Officer in the conduct of the ballot for the election of Officers and shall be empowered in the absence of the Returning Officer to perform the whole of the functions of the Returning Officer.
- (c) Each candidate may appoint in writing a scrutineer to represent him/her. The candidate may at any time by notice in writing given to the Returning Officer change the scrutineer representing him/her. A scrutineer shall be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the candidate at all stages of the ballot. The duties of the scrutineer shall be to represent the interest of the candidate who nominated him/her, to attend at any stage of the ballot as requested by the candidate, and to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to his/her notice. Scrutineers shall not interfere with any member at the time such member is casting a vote nor be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. Scrutineers shall comply with any lawful direction given by the Returning Officer. The Returning Officer shall give every facility to the scrutineers to attend and represent at every stage of the ballot the interests of the candidates who nominated him/her.
- (d) Any person appointed to the position of Returning Officer or Assistant Returning Officer who subsequently desires to nominate for any other position on the Branch Committee of Management shall be required to tender his/her resignation from the positions first mentioned prior to the calling of nominations.

### **72 - EXTRAORDINARY BRANCH VACANCIES**

- (a) Where a Branch Officer or Branch Committee of Management Member has been certified by two medical specialists to be of unsound mind or subject to chronic illness to such an extent that they believe the Officer incapable of carrying out the office, the Branch Committee of Management may request the Officer to resign. Failing receipt of the Officer's resignation within 14 days, the matter shall be referred back to the Branch Committee of Management which may then declare the position vacant. The Officer concerned shall have 28 days in which to lodge an appeal to the Divisional Executive who may uphold or overrule the decision by the Branch Committee of Management.
- (b) The Divisional Executive shall consider the matter at its next ordinary meeting or may, if it considers it appropriate, consider the matter at an Extraordinary Meeting of the Divisional Executive called to hear the appeal.
- (c) Both the Branch Committee of Management and the Divisional Executive, when considering the matter, shall have regard to any medical evidence that the Officer desires to place before such Executive.

- (d) Where the decision of the Branch Committee of Management is overruled by the Divisional Executive, the Officer shall be reinstated without loss.
- (e) Pending any appeal under this Rule to the Divisional Executive, the Officer appealing shall be entitled to the payment of ordinary remuneration. Pending the finalisation of any such appeal, no election may be held to fill the office declared vacant.
- (f) In any proceedings under this Rule, the Rules of natural justice shall apply, and the Officer shall be given the right to be heard and to be represented by agent, solicitor or counsel at any proceedings before the Branch Committee of Management or Divisional Executive.

### **73 - INDUSTRY SECTION MEETINGS**

- (a) The Branch Committee of Management shall have power to call Meetings of members of the Industry Sections.
- (b) The business for discussion at an Industry Section Meeting shall be stated on the Notice calling such meeting, and no business, other than that appearing on the Notice calling the meeting shall be discussed.
- (c) Fifteen (15) members shall constitute a quorum at Industry Section Meetings.

### **74 - NOTICE OF MOTION**

- (a) Members shall give fourteen(14) days notice in writing to the Branch Secretary when submitting a notice of motion or motions for consideration by the General Meeting of the Branch, and this notice of motion shall be notified for the information of members at least seven (7) days prior to the date fixed for the meeting at which such notice of motion is to be discussed.
- (b) Any motion which is marked out of order by the Branch President on the grounds that it conflicts with the Rules, the resolution of Conference, the instructions of the Divisional Executive or that contained a statement which may be construed as defamatory is to be excluded from the notification to members and the reason for the ruling reported to the meeting.

### **75 - BRANCH MANAGEMENT – QUEENSLAND, SOUTH AUSTRALIA/NORTHERN TERRITORY AND WESTERN AUSTRALIA**

- (a) The headquarters of each Branch shall be located at the capital city of the State in which the Branch is located. Each Branch shall, subject to these Rules and resolutions of Divisional Conference and/or Divisional Executive, manage the local affairs of the Branch within its territorial area.
- (b) Each Branch shall have for its management a Branch Committee of Management consisting of a Branch President, two (2) Branch Vice Presidents, Branch Secretary, Branch Assistant Secretary (except for the Queensland and Western Australian Communications Division Branch), full-time Branch Organisers as specified in this sub-rule and not fewer than four (4) nor more than eighteen (18) Sectional Representatives who shall be elected for a period of four (4) years. Provided that any person elected to an office which has been declared a full-time office shall be elected for a term of office of four (4) years.



For the purposes of Branch administration the following Branch offices shall be declared full-time positions:

Queensland: Branch President, Branch Secretary;  
South Australian/Northern Territory: Branch President, Branch Secretary; and  
Western Australia: Branch President, Branch Secretary.

- (c) The Branch President, Branch Secretary and Branch Assistant Secretary shall be elected by ballot of the financial members of the Branch.
- (d) Notwithstanding sub-rule (b), in the Branch Committees of Management of the Queensland, South Australia/Northern Territory and Western Australian Communications Division Branches, there shall be an additional Branch Vice President Affirmative Action who shall be nominated by and from the female members of each Branch and elected by the financial members of each Branch.
- (e) Branch Vice Presidents and Sectional Representatives shall be elected by and from the members comprising the respective Industry Sections as provided in Rule 46.
- (f) At least three (3) months prior to the opening of nominations for the Branch elections held under Rule 67, the Branch Committee of Management shall determine the number of Branch Committee of Management Members to be elected by and from each Industry Section in accordance with this sub-rule.
- (g) The number of positions of Sectional Representatives elected by and from members of the Branch allocated to each Industry Section shall be no less than two (2) and no more than nine (9).
- (h) At Branch Committee of Management meetings a quorum shall not be present unless a majority of the Committee of Management members are present. If the required number of members be not present thirty (30) minutes after the advertised time of commencement, the meeting shall lapse. Each Branch Committee of Management member shall have a deliberative vote.
- (i) During the intervening period between meetings of the Branch Committee of Management any matters of an emergent nature shall be decided by a telephonic, telegraphic, facsimile machine or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within fourteen (14) days of the date set for the closing of the ballot.
- (j) Provided that further there shall be a Branch Executive comprising the Branch President, Branch Secretary, Branch Assistant Secretary (except in the Queensland Communications Division Branch) and Branch Vice Presidents. A majority of the Branch Executive shall constitute a quorum. The minutes of any Branch Executive meetings shall be notified to the Branch Committee of Management within fourteen (14) days of the Branch Executive meeting. The Branch Executive shall have the power to deal with matters of an urgent industrial or financial nature when the Branch Committee of Management is not sitting. Meetings of the Branch Executive shall be called by the Branch Secretary.

**76 - BRANCH MANAGEMENT – NEW SOUTH WALES AND VICTORIAN POSTAL AND TELECOMMUNICATIONS BRANCHES**

- (a) The headquarters of each Branch shall be located at the capital city of the State in which the Branch is located. The Branches shall, subject to these Rules and resolutions of Divisional Conference and/or Divisional Executive, manage the local affairs of the Branch within its territorial area.
- (b) Each Branch shall have for its management a Branch Committee of Management consisting of a Branch President, two (2) Branch Vice Presidents, Branch Secretary, Branch Assistant Secretary (except for P&T Victoria Branch), full-time Branch Organisers as specified in this sub-rule and not fewer than four (4) nor more than eighteen (18) Sectional Representatives who shall be elected for a period of four (4) years. Any person elected to an office which has been declared a full-time office shall be elected for a term of office of four (4) years. For the purposes of Branch administration the following Branch offices shall be declared full-time positions:
  - New South Wales: Branch Secretary, one (1) Branch Assistant Secretary, four (4) Branch Organisers;
  - Victoria: Branch Secretary, three (3) Branch Organisers;
- (c) The Branch President, Branch Vice Presidents, Branch Secretary, Branch Assistant Secretary and full-time Branch Organisers shall be elected by ballot of the financial members of the Branch.
- (d) Sectional Representatives shall be elected from the members comprising the respective Industry Sections as provided in Rule 46A.
- (e) At least three (3) months prior to the opening of nominations for the Branch elections held under Rule 67, the Branch Committee of Management shall determine the number of Branch Committee of Management Members to be elected by and from each Industry Section in accordance with this Rule.
- (f) The number of positions of Sectional Representatives elected by and from members of the Branch allocated to each Industry Section shall be no less than two (2) and no more than nine (9).
- (g) At Branch Committee of Management meetings a quorum shall not be present unless a majority of the Committee of Management members are present. If the required number of members be not present thirty (30) minutes after the advertised time of commencement, the meeting shall lapse. Each Branch Committee of Management member shall have a deliberate vote.
- (h) During the intervening period between meetings of the Branch Committee of Management any matters of an emergent nature shall be decided by a telephonic, telegraphic, facsimile machine or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within fourteen (14) days of the date set for the closing of the ballot.

**76A - BRANCH MANAGEMENT – NEW SOUTH WALES AND VICTORIAN  
TELECOMMUNICATIONS AND SERVICES BRANCHES**

The provisions of this Rule shall apply to the New South Wales and Victorian Telecommunications and Services Branches constituted under Rule 44 to the extent that these provisions are not inconsistent with the provisions of Rules 44 to 74.

- (a) The Branches shall, subject to these Rules and resolutions of Conference, manage the local affairs of the Branch within its territorial area.
- (b) The Branches shall have for its management a Branch Committee of Management constituted as provided in this Rule. Any person elected to an office which has been declared a full-time office shall be elected for a term of office of four (4) years. All policy decisions of the Branch Committee of Management shall be notified to members.
- (c) The Branch Committee of Management shall consist of a Branch President, a Branch Secretary, Branch Vice Presidents as provided in sub-rule (f), a Branch Assistant Secretary or Branch Assistant Secretaries as provided in sub-rule (f), who shall be called the Branch Elected Officers, together with such numbers of Branch Organisers as provided in sub-rule (g) and such number of financial members as have been elected as Branch Committee of Management Members. The Branch Committee of Management may conduct the notified business of a Branch General Meeting which has lapsed for want of a quorum.
- (d) The Branch Executive which shall consist of the elected Branch Officers as defined in sub-rule (c) of this Rule shall manage the day to day affairs of the Branch subject to direction from Branch Committee of Management and Branch meetings. A majority of Branch Executive shall constitute a quorum. The Branch Executive may handle urgent industrial or financial matters and take over the urgent business of a Branch Committee of Management meeting which has failed for want of a quorum.
- (e) The Branch Executive and Branch Committee of Management shall be elected by secret ballot which shall be conducted at the same time as the ballot to elect Divisional Executive Members, Alternate Divisional Executive Members, Divisional Conference Members, Alternate Divisional Conference Members and Alternate National Councillors.
- (f) The numbers of Branch Vice Presidents and Branch Assistant Secretaries shall be:

New South Wales:

Two (2) Branch Vice Presidents elected by and from the Branch financial membership of the Technical Industry Section, one (1) Branch Vice President elected by and from the Branch financial membership of the Operator Industry Section, one (1) Branch Assistant Secretary elected by the Branch financial membership.

Victoria:

One (1) Branch Vice President elected by the Branch financial membership and one (1) Branch Assistant Secretary elected by the Branch financial membership.

- (g) For the purposes of Branch administration the following offices shall be declared full-time:

NSW: Branch Secretary, one (1);  
Victoria: Branch Secretary, one (1);

- (h) For the purposes of Branch administration the number of elected Branch Committee of Management Members for each Industry Section shall be determined by the Branch Committee of Management in accordance with Branch needs in accordance with the following:

At least three (3) months prior to the opening of nominations, to determine the number of Branch Committee of Management Members provided that:

- (i) the number of Committee Members elected by and from members of the Branch allocated to the Technical Industry Section shall be no less than five (5) and no more than twenty four (24) except in the case of Branches with less than one thousand (1,000) members in the Technical Industry Section where the number shall be no less than two (2); and
- (ii) the number of Committee Members elected by and from members of the Branch allocated to the Operator Industry Section shall be no less than three (3) and no more than ten (10) except in the case of Branches with less than two hundred and fifty (250) members in the Operator Industry Section where the number shall be no less than one (1).

#### **77 - DUTIES AND POWERS OF BRANCH COMMITTEE OF MANAGEMENT**

- (a) The duties of the Branch Committee of Management shall be to take such steps as may be necessary to carry out the Rules and objects of the Union, the resolutions of the National Council, National Executive, Divisional Conference and the instructions of the Divisional Executive and Branch General Meetings, at which no less than five per cent of the members of the Branch are in attendance. The Branch Committee of Management shall be the governing body of the Branch at all other times, and shall act on its behalf in all matters, and shall manage and control the funds of the Branch, provided that a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Branch, unless the Branch Committee of Management has:
- (i) satisfied itself that the making of the loan, grant or donation would be in accordance with the rules of the Union;
- (ii) in relation to a loan - has satisfied itself, 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
- (iii) approved the making of the loan, grant or donation.
- (b) The Branch Committee of Management shall have full authority to conduct and determine the notified business of a Branch General Meeting which has lapsed for want of a quorum.

#### **78 - SUB-BRANCHES**

- (a) Branch Committee of Management shall have power to form Sub-Branches at any centre within a Branch for the purposes of assisting in the work of the Branch.

- (b) The Committee of a Sub-Branch, where formed, shall consist of a President, Secretary and six other members, and shall be under the complete control and direction of the Branch Committee of Management which may disband a Sub-Branch at any time.
- (c) The members appointed to comprise a Sub-Branch Committee shall be elected annually or biennially, as determined by a Branch at the aggregate meeting of members called by the Branch Committee of Management at the centre fixed for the functioning of the Sub-Branch.
- (d) No Sub-Branch shall have any power to hold an aggregate meeting of members except with the knowledge and approval of the Branch Committee of Management.
- (e) A Sub-Branch shall comply with the following requirements to be recognised as a Sub-Branch within the meaning of these Rules:
  - (i) The Sub-Branch shall have a constitution adopted by the Branch Committee of Management and comply with that constitution in the election of the committee and the conduct of business;
  - (ii) The Sub-Branch shall conduct General Meetings of members within the boundaries of the Sub-Branch at least twice in a calendar year and forward minutes of all such meetings to the Branch Committee of Management.

#### **79 - APPOINTMENT OF LOCAL REPRESENTATIVES**

The Branch Committee of Management shall have power at any time to appoint representatives in any locality or section on an honorary basis for the purpose of assisting the work of the Branch. The duties of these representatives where appointed shall be such as may be assigned to them by the Branch Committee of Management, and they may continue to carry out such duties until otherwise decided by the Branch Committee of Management.

#### **80 - UNION COMMITTEES AND COUNCILS**

- (a) Branch Committee of Management shall have power to establish honorary Committees within the Branch to assist in the work of the Industry Sections.
- (b) The number of members of any Committee established under this Rule shall be determined by the Branch Committee of Management.
- (c) Committees established under this Rule shall be under the complete control and direction of the Branch Committee of Management, who may disband or reorganise such Committees at any time.
- (d) Appointment of members to Committees established under the provisions of this Rule, shall be made in such manner as may be determined by the Branch Committee of Management from time to time.
- (e) The Branch Committee of Management shall have power to draw up a constitution for the guidance and control of the said Committees.
- (f) No Committee shall have power to hold an aggregate meeting of members but may recommend to the Branch Committee of Management that such a meeting be held.

### **81 - BRANCH PLEBISCITE**

- (a) Branches may take the opinion of members upon any question or questions within the jurisdiction of the Branch by submitting the same to a plebiscite, to be conducted as far as practicable in the manner as prescribed in Rule 35. The Branch Committee of Management shall give effect to the decision of the members recorded by plebiscite within a period of not more than one month from the date on which the result shall have been declared by the Branch Returning Officer.
- (b) The taking of a Branch plebiscite may be ordered by requisition signed by not less than 10 per cent of the financial members within the Branch or, where it is lawful to do so, by the Divisional Executive or Conference, provided that any proposal submitted to a General Meeting for the taking of a plebiscite shall be notified at least 14 days prior to the date fixed for the holding of the meeting at which the proposal is to be discussed.
- (c) Where in the manner provided by this Rule the taking of a plebiscite has been ordered or requisitioned for, the Branch Returning Officer shall forthwith proceed to take the plebiscite.

### **82 - BRANCH AUTHORITY**

- (a) Except where otherwise provided in these rules, matters within the authority of the Branch which have been submitted to members by Branch plebiscite, the highest authority of the Branch shall be by the decision of members resulting from such plebiscite. In all other cases the Branch Committee of Management shall be the highest authority of the Branch, excepting where General Meetings, at which at least three per cent of the membership are present. In such cases the General Meeting shall have authority to overrule or direct the Branch Committee of Management.
- (b) No action shall be taken by any Branch on any matter affecting members outside the territorial area of the Branch without the authority of the Divisional Executive.

### **83 - BRANCH GENERAL MEETINGS - ORDINARY, ANNUAL AND SPECIAL**

- (a) Ordinary Branch General Meetings shall be held once each quarter or more frequently if decided by the Branch Committee of Management.
- (b) The Ordinary Branch General Meeting held in the third quarter of each calendar year shall be deemed for the purposes of these Rules to be the Annual Branch General Meeting.
- (c) The Divisional Conference, Divisional Executive or Branch Committee of Management shall have the power to call a Special Branch General Meeting at any time.
- (d) The business for discussion at a Special Branch General Meeting must be expressly stated in the notice relating to the meeting, and no discussion shall be allowed on any business which is not expressly stated in the notice.
- (e) All Branch General Meetings shall close three hours after the advertised time of commencement or at 10:00pm, whichever is the earlier, and no business shall be discussed by the meeting after that hour.

- (f) An attendance book shall be provided at all Branch General Meetings, which shall be signed by members in attendance and countersigned by the Chair at the end of the signatures appearing therein. Any member failing to sign the attendance book shall not be credited with attendance at the meeting, and where objection is raised at the time shall not be permitted to participate in the business before the meeting.
- (g) Admittance to Branch General Meetings shall be by show of current financial membership ticket or other proof of financial membership at the entrance door at the meeting room.

#### **84 - EXTRAORDINARY BRANCH GENERAL MEETINGS**

- (a) Upon the receipt of a requisition signed by not less than one hundred (100) or five per cent (5%) of financial members of a Branch whichever is the lower, the Branch Secretary or Branch President shall make provision to call an Extraordinary Branch General Meeting to take place at the Branch headquarters or a suitable location in close proximity to the Branch headquarters.
- (b) The business for discussion at an Extraordinary Branch General Meeting must be expressly stated in the requisition, and no business which is not expressly stated therein shall be discussed by the meeting.
- (c) Any member signing a requisition for an Extraordinary Branch General Meeting and failing to attend thereat may be required to forward within 24 hours of the close of the meeting satisfactory reasons for non-attendance to the Branch Secretary who shall report to the next meeting of the Branch Committee of Management all such non-attendances and the reasons submitted.
- (d) At all Extraordinary Branch General Meetings one hundred (100) financial members shall constitute a quorum. If the required members be not present thirty minutes after the advertised time of commencement, the meeting shall lapse.

#### **85 - MEETINGS: HOW CALLED**

- (a) Branch Committee of Management Meetings and Branch General Meetings shall be held at such time and place as shall be determined by resolution of the Branch Committee of Management, subject to the provisions of Rules 83 and 84. Such meetings shall be notified at least seven days before being held, provided that the Branch Committee of Management may, in the event of pressing necessity arising, cause notice of any intended meeting to be affixed in some conspicuous place at least twenty-four hours before the time of such meetings.
- (b) Meetings of Branch Committee of Management and Branch Executive may be held by telephone conference call provided that voting at the meetings shall be confirmed by letter, electronic mail or facsimile machine. The minutes of any meeting where a vote has been taken by letter, electronic mail, facsimile machine or telephone shall be forwarded to each Branch Committee of Management Member.
- (c) During the intervening period between meetings of the Branch Committee of Management any matters of an urgent nature may be decided by a telephonic, facsimile machine, electronic mail or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within 14 days of the date set for the closing of the ballot.

- (d) Where facilities for a telephone conference call for a Branch Committee of Management meeting have been provided and where Branch General Meetings immediately follow these meetings, the facilities may be used by Branch Committee of management members to participate at such meetings, provided the voting is confirmed by letter, electronic mail or facsimile machine.
- (e) Where the Branch President and Branch Secretary consider it necessary, they may alter the date of an Ordinary Branch General Meeting or of a meeting of the Branch Committee of Management.
- (f) Where a date of a meeting is altered under sub-rule (e), notice of the altered date of the meeting shall be given in accordance with Rule 85(a).

#### **86 - QUORUM**

- (a) At all Branch General Meetings other than Extraordinary Branch General Meetings, wherever held, where membership of a Branch is under 1000, five members shall constitute a quorum; under 2000, ten members; over 2000, fifteen members;
- (b) At all General Meetings of members of the Branch in an Industry Section, wherever held, where membership of a Branch in an Industry Section is under one thousand (1000), five (5) members shall constitute a quorum; under two thousand (2000), ten (10) members; over two thousand (2000); fifteen (15) members;
- (c) At Branch Committee of Management Meetings a quorum shall not be present unless a majority of the Committee Members are present.
- (d) If no quorum is present half an hour after the advertised time of any meeting, the meeting lapses.
- (e) Where Branch Committee of Management members participate in Branch Committee of Management or Branch General Meetings in accordance with this rule they be considered to be part of the quorum for such meetings.

#### **87 - UNFINANCIAL MEMBERS - BRANCH MEETINGS**

No unfinancial member shall be entitled to exercise a vote or speak on the business before any meeting of the Branch. Objection may be raised to any unfinancial member voting or speaking on the business before any meeting, but such objection must be raised at the time the particular item of business is under discussion or immediately after the vote is taken thereon, and the objection shall have no force or effect as regards items of business which may have been disposed of earlier in the meeting.

A member shall be deemed to be unfinancial for the purposes of this Rule if the member is unable to produce at a meeting a membership ticket, a receipt or receipts, or a statement of account which confirms the member's financial status.

Provided that nothing in this Rule shall apply to Special Branch General Meetings called in accordance with Rule 60A.



### **88 - AUTHORITY TO IMPOSE LEVY**

This Rule shall not apply to any plebiscite decision of members recorded in accordance with Rule 82, which may impose a levy, and which shall be given effect to by the Branch Committee of Management within a period of one (1) month from the date on which the result is declared by the Branch Returning Officer. The Branch Committee of Management shall have power to impose a levy not exceeding two dollars (\$2) a week upon the members of that Branch, provided that any proposal to impose a levy shall be notified at least fourteen (14) days prior to the date fixed for the holding of the meeting at which the proposal is to be discussed.

## **SECTION 3 - STANDING ORDERS OF DEBATE**

### **89 - STANDING ORDERS OF DEBATE**

The following rules of debate shall be observed at all meetings held in connection with the Division, whether Conference, Divisional Executive, Branch Committee of Management General Meetings, Special General Meetings and Extraordinary General Meetings of members.

- (a) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the Chair. The right of speaking on any subject shall belong to him/her who first rises to address the Chair. No member shall speak more than once upon any motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall be held to have spoken. When two or more members rise together the Chair shall call upon the member who in his/her opinion rose first in his/her place. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- (b) No member, when speaking, shall be interrupted unless called to order, when he/she shall sit down and the member calling to order shall be heard in support of his/her point, and the Chair may either hear further discussion or decide at that stage; but such point shall be decided before the debate is resumed.
- (c) Any motion or amendment not seconded shall not be further debated, but shall lapse.
- (d) The question having been proposed, may be amended by leaving out, substituting or adding words. Any number of amendments may be moved and discussed before the mover of the motion replies. The amendments shall then be put to the meeting in the order in which they were moved.
- (e) No amendment shall be received by the Chair which shall be a direct negative to a motion, or which does not preserve the substance of such motion.
- (f) So soon as a debate on a question shall be concluded the Chair shall put the question to the meeting in a distinct and audible manner. The question being put shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded by at least five members. A ballot shall be taken if one-third of those present demand it.
- (g) No member shall speak on any motion after the same has been put by the Chair.
- (h) When the Chair arises during a debate the member then speaking or proposing to speak shall sit down, so that the Chair shall be heard without interruption.

- (i) It shall be competent by a two-third majority of the members present for the meeting to suspend any standing order for the purpose of reopening any question previously dealt with at that meeting, or for the consideration of urgent business, provided that the suspension shall be for not more than thirty (30) minutes and any motion before the Chair shall be put to the meeting immediately the thirty minutes have elapsed; provided, further, that an extension of time may be granted upon one-third of those voting being in favour.
- (j) No member shall leave a meeting without permission from the Chair. No member shall attend a meeting in an intoxicated state, or interrupt the business.
- (k) In debates, the mover shall be allowed ten (10) minutes for speaking in support of his/her motion; subsequent speakers seven (7) minutes each, and the mover seven minutes in reply. The meeting shall have the power by majority vote to extend the time for any speaker. This Rule shall also apply to the Chair of Conference.
- (l) Any member dissatisfied with the ruling given by the Chair may move a motion of dissent in the following terms: "That the Chair's ruling be dissented from". In such case only the mover shall be permitted to speak to the motion, except the Chair, who may state his/her reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chair without further discussion.
- (m) Where a motion or amendment is ruled out of order by the Chair on the grounds that it conflicts with the Rules, the resolution of Conference, or the instructions of the Divisional Executive, or that it contains a statement which may be construed as defamatory and a motion of dissent is moved, the Chair shall accept the same and if the motion be carried, the full facts of the case shall be reported to the Divisional Executive for determination.
- (n) No more than two members shall speak in succession on one side, 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.
- (o) Should any question have occupied the attention of the meeting for a period of one hour, the discussion shall be deemed to be closed, and the Chair shall forthwith call on the mover of the original motion to reply, provided that any member may move for the extension of time, which on being carried by a majority of the members voting shall necessitate the discussion being continued for the time stated in the motion.
- (p) In the event of the voting on any motion being equal, the Chair shall declare the motion lost.
- (q) Provided he/she receives the call from the Chair it shall be competent for any member to move after four speakers have spoken to the question under discussion, "That the question be now put," and in the event of such motion being carried, the question shall be put without further debate, provided that this shall not affect the right of the mover of the original motion to reply, and provided further that any member who has spoken on the question under discussion shall not be permitted to move or second a motion, "That the question be now put."
- (r) Provided he/she receives the call from the Chair it shall be competent for any member to move during discussion of any question, "That the meeting proceed to the next business", and in the event of this motion being carried, the meeting shall forthwith proceed to the next business.
- (s) No discussion shall be allowed on formal motions, such as "That the discussion be adjourned," or "That the meeting be adjourned," or "That the question be now put," or "That the meeting proceed to the next business."

- (t) The Chair shall have power to expel a member from the meeting for disorderly conduct and to have the member so expelled called before the Branch Executive and charged under the provisions of Rule 43.
- (u) No new business shall be submitted after 10.00 pm.

### **90 - INTERPRETATION OF RULES**

Subject to the Workplace Relations Act 1996 in the event of any doubt or dispute arising at any time in regard to the interpretation or administration of the provisions of these Rules, the question shall be submitted to the Divisional Executive for determination, and the determination of the Executive thereupon shall be binding on the Officers and members of the Union unless and until varied by the Divisional Conference.

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