

Rules of a *State* Industrial Organisation  
registered under the *Industrial Relations Act 1996*

**New South Wales Local Government, Clerical, Administrative,  
Energy, Airlines & Utilities Union**

as at 3 November 2010

**CONTENTS**

1.	NAME OF UNION.....	3
2.	DEFINITIONS AND INTERPRETATION.....	3
3.	MEMBERSHIP RIGHTS.....	4
4.	CONSTITUTION OF UNION.....	4
5.	OBJECTS OF UNION.....	5
6.	REGISTERED OFFICE OF UNION.....	7
7.	REGISTERED OFFICER OF THE UNION.....	7
8.	BRANCHES OF UNION.....	7
9.	STRUCTURE.....	8
10.	PROPERTY AND FUNDS OF UNION.....	9
11.	AUDIT OF UNION FUNDS.....	9
12.	UNION SEAL.....	10
13.	ADMISSION TO MEMBERSHIP.....	10
14.	LIFE MEMBERSHIP.....	11
15.	UNION REGISTER OF MEMBERS.....	12
16.	CHANGE OF ADDRESS.....	12
17.	PURGING OF THE REGISTER.....	12
18.	SUBSCRIPTIONS.....	13
19.	UNFINANCIAL MEMBERS.....	14
20.	RESIGNATION.....	14
21.	MEMBER CEASING TO WORK IN INDUSTRY.....	15
22.	OFFENCES AND PENALTIES.....	16
23.	CONFERENCE.....	17
24.	ANNUAL GENERAL MEETING OF THE UNION.....	20
25.	ELECTION.....	20
26.	ELECTION FOR OFFICE PURSUANT TO SECTION 239 OF INDUSTRIALRELATIONS ACT 1996 (NSW).....	21
27.	RETURNING OFFICER.....	22
28.	ELIGIBILITY OF CANDIDATES.....	23
29.	NOMINATION OF CANDIDATES.....	24
30.	PROCEDURE AT ELECTIONS.....	25
31.	ASSUMPTION AND TENURE OF OFFICE.....	31
32.	CASUAL VACANCIES.....	32
33.	EXECUTIVE.....	33
34.	DELETED.....	34
35.	UNION PRESIDENT.....	34
36.	DELETED.....	34

37.	UNION VICE-PRESIDENT .....	34
37A.	UNION FIRST JUNIOR VICE-PRESIDENT .....	35
37B.	UNION SECOND JUNIOR VICE-PRESIDENT .....	35
38.	GENERAL SECRETARY .....	36
39.	DELETED .....	37
40.	UNION TREASURER .....	37
41.	ORDER OF BUSINESS AND STANDING ORDERS .....	37
42.	EMPLOYEES OF THE UNION .....	40
43.	VACATION OF OFFICE .....	40
44.	SUSPENSION AND REMOVAL FROM OFFICE .....	41
45.	SPECIAL CONFERENCE .....	42
46.	MEMBERS' PICNIC .....	43
47.	APPEALS .....	43
48.	POWER TO IMPOSE LEVY .....	44
49.	POWER TO MAKE A LOAN, GRANT OR DONATION .....	44
50.	ADEQUACY OF NOTICE .....	44
51.	ILLEGAL STRIKE .....	44
52.	RIGHT OF ENTRY .....	44
53.	ABSORPTION .....	45
54.	AFFILIATION .....	45
55.	AMALGAMATION .....	45
56.	BY LAWS .....	45
57.	INSPECTION OF BOOKS .....	46
58.	COPY OF RULES .....	46
59.	ALTERATION OF RULES .....	46
60.	DISSOLUTION OF UNION .....	46
61.	NAME OF BRANCH .....	47
62.	FUNDS OF BRANCH .....	47
63.	AUDIT OF BRANCH FUNDS .....	48
64.	BRANCH REGISTER OF MEMBERS .....	49
65.	CHANGE OF MEMBER'S ADDRESS .....	49
66.	BRANCH COMMITTEE OF MANAGEMENT .....	49
67.	BRANCH PRESIDENT .....	49
68.	BRANCH VICE-PRESIDENT .....	49
69.	BRANCH SECRETARY .....	50
70.	BRANCH TREASURER .....	50
71.	SUSPENSION AND REMOVAL FROM COMMITTEE OF MANAGEMENT .....	51
72.	GENERAL MEETINGS OF BRANCH .....	52
73.	BRANCH COMMITTEE OF MANAGEMENT .....	53
74.	ANNUAL RETURNS OF BRANCH .....	53
75.	BRANCH AFFILIATION .....	53
76.	BRANCH BY-LAWS .....	54
77.	INSPECTION OF BRANCH BOOKS .....	54
78.	DELETED .....	54
	End of Rules .....	54

**1. NAME OF UNION**

The name of the Union shall be New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union trading as the "United Services Union."

**2. DEFINITIONS AND INTERPRETATION**

In these Rules, unless there be something in the subject or context inconsistent therewith, the following words and expressions shall have the several meanings hereby assigned to them, that is to say:

"**Branch**" means Branch of the Union.

"**Branch Secretary**" means Honorary Secretary of a Branch.

"**Committee of Management**" means Committee of Management of a Branch.

"**Conference**" means the supreme government of the Union.

"**Executive**" means Executive of the Union.

"**Casual vacancy**" means vacancy occurring in any office, after an election and before the expiration of the period for which the person who has last vacated the office, in any manner whatsoever, was elected.

"**Financial year**" means the calendar year 1st day of January to 31st day of December next following.

"**General Secretary**" means Secretary of the Union.

"**Industry**" means the industry specified by Rule 4 of these Rules.

"**Life member**" means member upon whom life membership of the Union has been conferred pursuant to these Rules

"**Member - full time**" means member of the Union employed in the industry on a full time basis.

"**Member - junior**" means member of the Union less than eighteen (18) years of age.

"**Member - permanent part time**", means member of the Union employed in the industry on the basis of a regular number of hours which are less than the full time ordinary hours of the position in which they are employed.

"**Member - casual**" means member employed in the industry on a day -to- day basis.

"**Membership**" means membership of the Union.

"**Subscription**" means Annual Subscription calculated on a fifty-two week period.

"**These Rules**" means the Rules of the Union as they exist from time to time.

**"Union"** means New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union.

Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number. Words importing the masculine gender only shall include the feminine gender

### **3. MEMBERSHIP RIGHTS**

It shall be a term of membership in the Union that a member shall not be discriminated against in any way by reason of sex, marital status, race, impairment, or by reason of holding any lawful religious or political belief, provided that this provision shall not reduce any rights under Federal or State Legislation.

### **4. CONSTITUTION OF UNION**

- (1) The Union shall consist of an unlimited number of persons who are -
- (a) bona fide employees of -
    - (i) Municipal, Shire and County Councils;
    - (ii) any contractor to any such Council;
    - (iii) any body, whether personal or corporate or otherwise, and whosoever styled, carrying out social functions of a civic character on behalf of or by arrangement with any such Council;
    - (iv) any body, whether personal or corporate or otherwise, and howsoever styled, controlling, in whole or in part, services formerly controlled by a Municipal, Shire or County Council; and
    - (v) any contractor to any such body, and who have been admitted as members of the Union.

Provided, in the latter two cases, that such employees prior to the constitution or establishment of such body were members of this Union or eligible to become members thereof;

- (b) employees of Waste Planning and Management Boards and the successors;
- (c) employees of Australian Health Management Group Pty Ltd and their successors;
- (d) persons upon whom life membership of the Union has been conferred in accordance with these Rules;
- (e) persons who while being members of the Union, retire from the industry and from work upon the ground of ill-health or of having reached retiring age, and whose membership has not been terminated pursuant to these Rules:

- (f) persons, whether employed in the industry or not, who have been elected or appointed officers of the Union, and who have been admitted as members of the Union.
- (2) The Union shall consist of all persons, male and female, engaged in any clerical capacity, including those engaged in the occupation of shorthand writers and typists and/or on calculating, billing, and/or other machines designed to perform or assist in performing any clerical work whatsoever, and/or including telephonists and persons employed as canvassers (other than canvassers for the sale of goods) and/or collectors and clear out men.

Membership shall be available to persons employed on a Totalisator or Totalisators within the State of New South Wales, excepting such persons as were covered by the Constitutions of the Electrical Trades Union of Australia, New South Wales Branch, the Amalgamated Engineering Union, Australia Section, and the Federated Miscellaneous Workers Union of Australia, New South Wales Branch, as at 4<sup>th</sup> June, 1947.

## **5. OBJECTS OF UNION**

The objects of the Union are, by all lawful means:

- (1) To protect and improve to the fullest possible extent the interest of members and in particular, and without limiting the ordinary meaning of those words -
  - (a) to obtain and maintain fair wages, hours of work and other conditions of employment of members, either by award, industrial agreement or other lawful means;
  - (b) to protect the interests of the industry;
  - (c) to promote industrial peace by all means of conciliation and arbitration;
  - (d) to prevent lockouts and strikes between employers and members;
  - (e) to secure redress for any grievances to which members or any of them may become subject; and
  - (f) to secure preference of employment for members.
- (2) To render legal assistance to members to enable them to enforce their rights under any law relating to industrial arbitration or to compensation for illness or injuries.
- (3) To relieve financial distress of members or near relatives of deceased members in cases of need, and for that purpose to establish a Contingent Fund.
- (4) To provide funds for the conduct of legal and other proceedings -
  - (a) to enforce payment of subscriptions, fines and levies payable or believed to be payable to the Union:

- (b) to obtain awards and industrial or other agreements, and the variation, extension or termination thereof;
  - (c) to resist any action taken or about to be taken by any employer or by any organisation or association or by any trade or industrial or other union which may be prejudicial to the interests of the Union and its members;
  - (d) to attain otherwise any of the objects of the Union.
- (5) To acquire, either as freehold or leasehold or otherwise real estate for the use of the Union.
  - (6) To invest funds in securities and projects authorised by law.
  - (7) To establish or publish a newspaper, magazine, journal or other publication for the furnishing of information concerning the Union and matters of interest generally to members.
  - (8) To promote or assist financially or otherwise in the promotion and/or publication of a newspaper, magazine, journal or other publication having for its policy the promotion of the cause of Labor.
  - (9) To assist in any deserving cause of hardship respecting a member or members of another industrial union which cause is officially endorsed by such other union, if that union concedes reciprocal rights and privileges to members of the Union.
  - (10) To further political objects, to establish, maintain and/or support any body, corporation or association concerned with the industrial, economic, social, legal and political matters affecting members and/or the trade union movement generally.
  - (11) To absorb into membership the members of an organisation, association or union, whether registered or not, provided such members are qualified according to these Rules.
  - (12) To affiliate with a body established for the protection and promotion of the cause of Labor.
  - (13) To amalgamate from time to time with another registered trade or industrial union.
  - (14) To act as agent for and on behalf of members or non-members consistent with these objects and the Rules and in the interest of members and to do all things necessary and incidental thereto.
  - (15) To undertake and do such acts, matters and things as may be necessary, incidental or conducive to the attainment of the objects of the Union or any of them.
  - (16) To make donations to bona fide charitable purposes.
  - (17) To create and promote equality of opportunity in employment and promotion within employment.

- (18) To formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business or profession for the provision to the members of the Union of any special benefits, privileges and advantages and in particular in relation to goods and services.
- (19) To invest funds.
- (20) To affiliate to (and pay affiliation fees in respect thereof) and/or assist financially or otherwise in the bona fide labour or trade union organisation or association or representative body or peak council which promotes or protects the causes of Labor.
- (21) To provide pecuniary legal and other assistance for securing and protecting the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of that object (including this object) or any one of them of the Union.
- (22) To create and/or alter or dissolve, Divisions, Branches and/or Sub-Bran­ches or Sectors of the Union.

#### **6. REGISTERED OFFICE OF UNION**

- (1) The registered office of the Union is situated at Level 7 321 Pitt Street Sydney NSW 2000.
- (2) Notice of any change of address of the registered office shall be given immediately to the Industrial Registrar.

#### **7. REGISTERED OFFICER OF THE UNION**

- (1) The General Secretary shall be the registered Officer of the Union and shall have power to sue on behalf of the Union for all subscriptions, levies and fines due and owing to the Union, and in all matters in which the Union may institute proceedings in law or in equity, either pursuant to these Rules or otherwise.
- (2) For the purposes of sub-rule (1) hereof the General Secretary is hereby invested with all powers and authorities necessary or convenient in that regard.

#### **8. BRANCHES OF UNION**

- (1) The Union shall consist of such Branches, the establishment of which is confirmed by these Rules, together with such other Branch or Branches as the Executive may establish from time to time.
- (2) The Executive may, subject to the act and appropriate amendments to these rules, constitute from time to time such other Branch or Branches of the Union as it deems fit. Action under this sub-rule may be taken by the Executive on its own motion or upon petition to the Executive by not less than twenty financial members.

- (3) The Executive may, subject to the act and appropriate amendments to these rules, alter from time to time any former establishment of a Branch or the name thereof, and it may dissolve a Branch at the expiration of the term of the office of the office holders within the Branch and give such directions with regard to funds and other property of the Union then in the hands of the Branch to be dissolved as it deems fit.
- (4) A Branch shall be bound by these Rules as they provide from time to time.
- (5) The Executive shall allocate the members of the Union to Branches and shall be the final arbiter of which Branch a member is allocated and/or to which Branch the member may be reallocated. Such allocation of a member or reallocation of a member shall be at the sole discretion of the Executive and may occur at any time. Provided that where a member requests a transfer from one Branch to another Branch the Executive will notify the Branch that the member is transferring from two months prior to the reallocation of the member by the Executive.

## **9. STRUCTURE**

- (1) DELETED
- (2) Members of the Union shall be allocated to one of the Branches in accordance with Rule 8 that appear in the schedule.

### **SCHEDULE**

List of Branches established pursuant to Rule 8.

Central West Branch  
Energy & Utilities Branch  
Metropolitan salaried Officers' Branch  
Murray Branch  
Newcastle Branch  
New England Branch  
Northern Branch  
North Western Branch  
Riverina Branch  
Southern Branch  
Sydney Branch  
Sydney Clerical and Administrative Branch  
Airlines Branch  
Hunter Clerical and Administrative Branch  
Illawarra Clerical and Administrative Branch

**10. PROPERTY AND FUNDS OF UNION**

- (1) All property, real or personal, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the Executive, save as provided herein and elsewhere in these Rules.
- (2) All income from subscriptions, fines, levies, dividends, interest, rent or other income, however derived, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the Executive, save as provided herein and elsewhere in these Rules. The Executive may from time to time, direct a Branch to forward such monies as it may determine.
- (3) The Funds of the Union may only be expended for the furtherance of the objects of the Union.
- (4) The fund shall consist of all real or personal property, all assets, all income from subscriptions, fines, levies, dividends, interest, rent or other income, however derived, and shall be under the control, custody and administration and management in all respects of the Executive.
- (5) Funds of the Union shall be banked with any registered financial institution approved by the Executive in the name of the Union in such one or more accounts as the Executive may from time to time determine.
- (6) All cheques drawn upon any bank account of the Union shall be signed by the Union Treasurer and by the Union President and the General Secretary. Provided that in the case of absence of any of such person or of their inability to sign cheques, the Executive may appoint other persons to sign in place of the absent or unable person either generally or in any particular case.
- (7) Notwithstanding anything else contained in these Rules, in recognition of the fact that the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, a Branch of an organisation registered under the Workplace Relations Act 1996, carries on certain representative functions in relation to the affairs of members of the Union under the provisions of the aforesaid Act, the Executive of the Union may, from time to time, grant financial subsidies on a per capita basis to the aforesaid Branch of the Federal organisation.

**11. AUDIT OF UNION FUNDS**

- (1) An Auditor, who is a Registered Company Auditor and who is not a member of the Union, shall be appointed by the Executive annually, and at such other time as becomes necessary.
- (2) Immediately prior to Conference, and at such other time or times as the Executive directs, the Auditor shall -
  - (a) investigate the books and other documents of the Union appertaining to finance, and audit the accounts of the Union; and
  - (b) furnish to the Executive a report and balance sheet of the Union's finances, certifying to the correctness of such report.

- (3) An auditor shall be deemed to have vacated this position -
- (a) upon death;
  - (b) upon becoming of unsound mind; or
  - (c) the services provided by the Auditor being of an unprofessional standard; or
  - (d) the Auditor charging excessive costs for the services provided in the opinion of the Executive: or
  - (e) upon receipt by the Executive of a written notice of resignation signed by the Auditor;

and the Executive may terminate the services of the Auditor at any time, if satisfied that any of the above grounds are met.

## **12. UNION SEAL**

- (1) The Union shall have a seal which shall be of such design as the Executive may determine, and which shall bear the name of the Union.
- (2) The seal shall remain in the custody of the General Secretary.
- (3) The seal is only to be affixed to a document:-
  - (a) in the presence of at least two members of the Executive of the Union; and
  - (b) with the attestation by the signatures of those members of the fact of the affixing of the seal.

## **13. ADMISSION TO MEMBERSHIP**

- (1) An application for admission shall
  - (a) make an application in writing to the General Secretary that includes the applicant's residential address and the name of their employer; or
  - (b) make an application by telephone that includes advise to the Branch of the applicant's residential address and the name of their employer; or
  - (c) make an application by electronic means that include advice to the Branch of the applicant's residential address and the name of their employer.
- (2)
  - (a) The application shall be considered by the General Secretary when received, and unless referred by the General Secretary to the next meeting of the Executive, the applicant shall be and be deemed to be a member of the organisation from the date of receipt of the application by the General Secretary.
  - (b) An application for membership referred by the General Secretary to the Executive shall be considered by the Executive which may accept or reject

the application. If accepted the applicant shall be and be deemed to be a member in accordance with paragraph (2)(a) herein.

- (3) The General Secretary shall report all applications for membership to the next ordinary meeting of the Executive.
- (4) An applicant whose application for membership has been rejected may appeal to Conference, whose decision shall be final.
- (5) The General Secretary shall keep or cause to be kept a copy of all applications for membership. Where an application was received by telephone or electronic means, the General Secretary shall keep or cause to be kept a record of the application.
- (6) The General Secretary shall inform applicants for membership, in writing, of:
  - (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a member may resign from the Union.
- (7) Associate Membership
  - (a) Any member of the Union who ceases to be eligible for membership, may upon application to the General Secretary, become an Associate Member.
  - (b) An Associate Member shall pay such subscription as specified in Rule 18.
  - (c) An Associate Member shall not be entitled to vote in any election or ballot conducted within the Union, or to nominate any persons to hold any office within the Union, or to hold any office within the Union, but shall otherwise receive such benefits of membership of the Union as may be determined from time to time by Conference and the Executive.
  - (d) An Associate Member who becomes eligible for membership of the Union shall not be entitled to remain an Associate Member and shall revert to the status of full membership.
  - (e) An Associate Member may resign membership of the Union in accordance with Rule 20.

#### **14. LIFE MEMBERSHIP**

- (1)
  - (a) Conference may confer life Membership of the Union on a financial member who has retired from the industry having not less than twenty five years continuous membership of the Union and has had long years of active and faithful service to the Union.
  - (b) The Executive may lower the number of years from twenty five years in cases where the member because of joining the Union at a later age cannot obtain the full twenty five years on retirement but has otherwise met the criteria as required.

- (2) (a) Nominations for Life Membership or other Awards must come from the Executive or Branch Committees of Management.
- (b) The Executive shall check all nominations to see that they comply with (1) above.
- (3) (a) A life member shall be obliged to pay all monies due and owing to the Union up to the date of retirement, but thereafter shall not be obliged to pay to the Union any subscription or levy.
- (b) A life member shall not be eligible to stand for Office nor vote in elections.
- (4) The Executive may recommend to Conference, nominees for certificates, or medals or other awards, which recognise distinguished or meritorious service to the Union, upon the criteria determined by the Executive, Members who receive such awards shall not be exempt from any payments, contributions or levies due to the Union from time to time until they retire or resign their membership in accordance with Rule 20.
- (5) Conference may revoke Life Membership or other Awards conferred on a member provided that such removal is proposed by notice of motion at least three months prior to the meeting of Conference at which the issue is to be determined, and not less than three quarters of the delegates vote in favour.

### **15. UNION REGISTER OF MEMBERS**

A register of the members of the Union showing the name residential or postal address Branch and financial status of each member and a list of the names, residential or postal address and occupations of the Officers of the Union, as far as they are known, shall be kept at the office of the Union.

### **16. CHANGE OF ADDRESS**

Any member changing their place of employment or residence or terminating employment shall report in writing the new place of employment or residence or that termination to the General Secretary within fourteen days of effecting such change.

### **17. PURGING OF THE REGISTER**

- (a) The General Secretary shall from time to time as directed by the Executive strike off the register of Members the names of all members who satisfy the following criteria:
  - (i) All members owing subscriptions, fines or levies for a period of fifty two weeks or more, provided that members so struck off shall not be free from liability for arrears due;
  - (ii) Any or all members who have ceased to be eligible for membership under Rule 4 of these Rules.

- (b) The General Secretary shall give a member fourteen days notice in writing to the members last address shown on the Register of Members of the intention to strike the name off the Register.

**18. SUBSCRIPTIONS**

- (1) (a) Each member shall pay a subscription weekly, equivalent to 1.073 percent of the weekly wage prescribed by the Local Government (State) Award on 1 January in each year at Operational Band 1 Level 3 Entry Level which shall be paid into a fund to be known as a General Fund.

Provided that members in receipt of 75% or less of that weekly wage shall pay 75% of the subscription rate, or members in receipt 50% or less of that weekly wage shall pay 50% of the subscription rate, or members in receipt of 25% or less of that weekly wage shall pay 25% of the subscription rate.

- (b) Payments from the General Fund shall be for the furtherance of the objects of the Union and in the expenses of management.
- (c) Subscriptions may be paid annually, in which case the due date shall be the first day of January in each year, or quarterly, in which case the due dates shall be the first days of January, April, July and October in each year. A member whose membership commences during the currency of any quarter shall be liable in respect of such quarter only on a pro rata basis and shall thereafter be liable in accordance with the foregoing provisions of this sub rule.
- (d) Subscriptions may be paid by instalments by arrangement with the Council or Authority or Employer employing the member and where the member has signed an authority for the deduction from their salary or wage. Provided that any instalment not deducted or otherwise outstanding, at any time, shall continue to be due and payable in accordance with these Rules.
- (e) Subscriptions may be paid by instalments by direct debit from a member's account at a financial institution. Such instalments may be paid weekly, fortnightly or any other instalment period agreed by the Executive.

The Executive shall consider from time to time a rebate or reduction in their annual subscription rate for those member's who pay their subscriptions by direct debit.

- (f) Any increase in excess of the award increase as set out in sub rule 18(1)(a) which is in excess of the award increase, can only be approved by a decision of the full Conference.

(2) DELETED.

(3) National Airlines Divisional Council

For members employed in, or in connection with Airlines employers, shall pay an extra \$8.80 pa in accordance with ASU National Resolution of 21 March 1996. This amount includes the GST.

- (4) The Executive may, in special circumstances, waive subscriptions and/or arrears of subscriptions. Executive may delegate this power to the General Secretary provided that the General Secretary shall report all waivers to the Executive.
- (5) Associate Members shall pay an amount equal to twenty percent of the full-time adult subscription.

## **19. UNFINANCIAL MEMBERS**

- (1) A member shall be unfinancial, if they owe to the Union:
  - (a) Any subscription for a longer period than the end of the first two calendar months after the date such subscription become due: Provided however that a member shall not be unfinancial whose subscription for a current year is being deducted by instalments from the members income or from the member's account at a financial institution, and provided that the relevant authorities signed by the member remain in force, and provided further that all subscriptions owing by the member for the year ending the preceding thirty-first December shall have been fully paid; or
  - (b) Any levy for a longer period than three calendar months after the last day on which such levy may be paid; or
  - (c) Any fine for a longer period than three calendar months after:
    - (i) the date of dismissal of an appeal instituted in accordance with Rule 47 of these Rules; or
    - (ii) the last day on which an appeal may be instituted in accordance with the said Rule 47 if no such appeal be instituted;

and while they so remain unfinancial shall be excluded from all the rights and privileges but not the obligations of membership, and they may be sued for the money owed.

## **20. RESIGNATION**

- (1) A member may resign membership of the Union by written notice delivered or sent to the registered address of the Union.
- (2) A Notice of resignation takes effect:
  - (a) where the member ceases to be eligible for membership of the Union:
    - (i) on the day on which the notice is received; 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 to become a member:

whichever is the later; or

- (b) in any other case:

- (i) at the end of two weeks after the notice is received; or
  - (ii) on the day specified in the notice; whichever is the later.
- (3) Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Union under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union, subject to the Industrial Relations Act, 1996 or any Act amending the same.

## **21. MEMBER CEASING TO WORK IN INDUSTRY**

- (1) (a) Notwithstanding anything contained elsewhere in these Rules, a member who ceases to work in an industry or occupation within the scope of Rule 4 for a period of three months and at the expiration thereupon shall cease to be a member of the Union. A member employed by this Union shall be accepted as a member of the Union. The member shall be liable to pay immediately subscriptions, levies and fines due and owing by the member to the Union, and in default of payment may be sued therefore.
- (b) Notwithstanding anything contained elsewhere in these Rules, the General Secretary may issue to a member who has ceased to work in an industry or occupation within the scope of Rule 4 and who does not owe any money to the Union a "clearance card" if requested so to do by such member, and upon the issue of such "clearance card" and unless membership of the Union has been terminated earlier, the person concerned shall cease to be a member of the Union.
- (c) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in an industry or occupation within the scope of Rule 4, and such member does not owe money to the Union, the Executive may declare that such member has left the industry, and thereupon such person shall cease to be a member of the Union, and the member shall be entitled to have issued to the member by the General Secretary a "clearance card".
- (d) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in an industry or occupation, and such member owes money to the Union, the Executive may declare that such member has left the industry, and thereupon such person shall cease to be a member of the Union and shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Union, and in default of payment may be sued therefore.
- (e) For the purposes of this Rule an employee of the Union shall not be deemed to have ceased to work in an industry or occupation within the scope of Rule 4, and shall not be declared to have left the industry.
- (2) DELETED

**22. OFFENCES AND PENALTIES**

- (1) Any member may charge any other member with:
  - (a) contravening or failing to observe any of these Rules for breach of which no penalty is prescribed by the Particular Rule; or
  - (b) knowingly contravening or failing to observe any lawful direction or resolution of any Council or body constituted by or pursuant to these Rules; or
  - (c) knowingly contravening or failing to observe any lawful and reasonable direction given by any Officer of the Union or any Branch thereof; or
  - (d) any dereliction of any duty imposed on a member by these Rules; or
  - (e) misappropriation or misapplication of any of the funds or property of the Union; or
  - (f) divulging the Union's correspondence or business to persons not entitled to know the same; or
  - (g) making false statements or giving false information in relation to the affairs of the Union or any Branch thereof; or
  - (h) wilfully misrepresenting the affairs of the Union or any Branch thereof; or
  - (i) conniving at any of the foregoing offences being committed by any other person.
- (2) Action under sub-rule (1) hereof shall be commenced by a complaint in writing signed by the complainant and lodged with the Secretary of the Branch to which the member complained against is attached and such complaint shall specify the matter or matters charged.
- (3) The Branch Secretary shall summon a member charged before the Committee of Management of the Branch and such member shall receive from the Branch Secretary at least fourteen days before the meeting of the Committee of Management of the Branch notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and be heard.
- (4) If the Committee of Management finds such a member guilty it may do one or more of the following:
  - (a) impose no penalty;
  - (b) impose a censure:
  - (c) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified event or until

the performance of any specified act. Suspension from membership shall deprive a member of benefits of membership but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension the suspension shall then lapse;

- (d) recommend to Conference or the Executive to expel the member from the Union.

PROVIDED THAT action shall not be taken to expel the member from the Union except on complaint commenced by either -

- (i) the Branch Committee of Management on its own motion; or
- (ii) by a member in writing signed by the complainant lodged with the Secretary of the Branch to which the member complained against is attached specifying the matter or matters charged and requesting that the member charged is expelled.

PROVIDED FURTHER that where a complaint is commenced by the Committee of Management of a Branch on its own motion the matter or matters the subject of such complaint shall be determined by a meeting of the Branch and the provisions of sub rules (3) and (4) hereof shall apply to such complaint and determination.

- (5) Within seven days next after the event a Branch Secretary shall notify in writing the General Secretary of the particulars of any suspension, fine or expulsion imposed by the Branch or the Committee of Management thereof, pursuant to this Rule.

### **23. CONFERENCE**

- (1) The supreme government of the Union shall be vested in Conference.
- (2) (a) Conference shall consist of the Executive and of delegates from the Branches of the Union.
- (b) The Chairperson shall have a casting vote, only.
- (c) (i) The number of delegates from each Branch shall be determined as follows, namely, each Branch shall be entitled to two delegates for up to the first two hundred and fifty members, then an additional two delegates for the next two hundred and fifty members or part thereof not less than fifty members after the first two hundred and fifty members. Thereafter each Branch shall be entitled to one additional delegate for each one hundred or part thereof not less than fifty members after the first five hundred members, up to a maximum of nine delegates for one thousand members: Provided that Branches with an excess of one thousand members, shall be entitled to one additional delegate for each additional five hundred members or part thereof not less than fifty members, up to a maximum of fifteen delegates for four thousand members: Provided that Branches shall

be entitled to a further two delegates for each additional thousand members or part thereof not less than two hundred and fifty members, in excess of the four thousand, up to a maximum of twenty-one delegates for seven thousand members.

<b>Membership Numbers</b>	<b>Number of Delegates</b>
0 - 300	2
301 - 550	4
551 - 649	5
650 - 749	6
750 - 849	7
850 - 949	8
950 - 1049	9
1050 - 1549	10
1550 - 2049	11
2050 - 2549	12
2550 - 3049	13
3050 - 3549	14
3550 - 4249	15
4250 - 4749	16
4750 - 5249	17
5250 - 5749	18
5750 - 6249	19
6250 - 6749	20
6750 - 7000	21

- (ii) In addition to the Conference delegates from each branch outlined in sub rule 23(2)(c)(i), the New Generation Committee Members of up to 18 members are entitled to attend Conference as an addition to the Branch Conference Delegates noted in sub rule 23(2)(c)(i).

- (3) (a) In addition to powers elsewhere conferred on it by these Rules, Conference shall have the general management and control of the affairs of the Union, and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Executive or on a meeting of a Branch or on the Committee of Management of a Branch, and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the objects of the Union.
- (b) Conference may exercise any power conferred on it by these Rules notwithstanding that the Executive or a meeting of a Branch or the Committee of Management of a Branch has exercised a like power in the same manner, and where a decision of Conference is inconsistent with a decision of the Executive or a meeting of a Branch or the Committee of Management of a Branch the decision of Conference shall prevail.
- (4) Commencing in 2001, Conference shall be held biennially at such time and place as Conference shall determine.
- (5) Not less than one month immediately prior to the date specified for a meeting of Conference a Branch Secretary shall notify the General Secretary on a "Delegate's Credential" form supplied by the General Secretary of the full names of the delegates from the Branch to Conference.
- (6) At a meeting of Conference a quorum shall consist of a majority of Executive members and half the number of delegates notified to the General Secretary pursuant to sub-rule (2) hereof, and in the absence of a quorum at any time Conference shall not proceed, until a quorum is present.
- (7) Each Branch shall bear and pay the travelling and other expenses of its delegates to Conference.
- (8) In the event of the Union President, the Union Vice-President, the Union First Junior Vice-President and the Union Second Junior Vice-President being absent from a meeting of Conference, then the delegates present shall elect a Chairperson of the meeting.
- (9) (i) In alternating years between biennial Conferences, there shall be a meeting of Conference in Council Session.
- (ii) The time and place of the meeting of Conference in Council Session shall be fixed by Executive.
- (iii) Conference in Council Session shall consist of the Executive and the President and Secretaries of each Branch. The Branch may appoint an eligible member of the Committee of Management to represent the Branch in the absence of the President or Secretary of the Branch, such eligible representative shall retain the voting rights expressed in sub-clause (9) (iv) of these rules.
- (iv) Each member of the Executive shall be entitled to exercise one vote and the President and Secretary of each Branch shall each be entitled to exercise one half of the number of votes corresponding to the number of

Conference delegates to which the Branch is entitled in accordance with sub-rule 23(2)(c).

- (v) Conference in Council Session shall have all of the powers vested in Conference by these Rules.
- (vi) A quorum for Conference in Council Session shall consist of a majority of Executive members and such number of Branch Presidents and Secretaries whose voting entitlement constitutes a majority of the total number of Conference delegates determined in accordance with sub-rule 23(2)(c).

#### **24. ANNUAL GENERAL MEETING OF THE UNION**

- (1) The Annual General Meeting of the Union shall be held immediately prior to Conference, or Conference in Council Session, as the case may be.
- (2) The General Secretary shall, at least twenty-eight days prior to each Annual General Meeting, by Notice publicise the date, time and place of the forthcoming Annual General Meeting.
- (3) At the Annual General Meeting a quorum shall be one hundred and in the event of a quorum not being present within thirty minutes next after the appointed time for the meeting the meeting shall lapse.
- (4) In the event of the Union President, the Union Vice-President, the Union First Junior Vice-President and the Union Second Junior Vice-President being absent from the meeting, then the members present shall elect a Chairperson of the meeting.

#### **25. ELECTION**

- (1) Commencing in 2003 for a term of office for four years and each four years thereafter, elections shall be held for the purpose of electing the following:-
  - (a)
    - (i) Union President;
    - (ii) DELETED
    - (iii) Union Vice-President;
    - (iv) General Secretary;
    - (v) DELETED
    - (vi) Union Treasurer;
    - (vii) Committee Members of the Executive;
    - (viii) DELETED
    - (ix) Branch Committee of Management Members.
  - (b) DELETED

- (c) Each Branch shall elect one Committee member of the Executive who shall be elected by and from eligible members allocated to the Branch, provided that the Metropolitan Salaried Officers' Branch, the Sydney Branch and Sydney Clerical and Administrative Branch shall each elect one additional Committee member of the Executive.
- (d) At the first meeting of each Branch Committee of Management following the quadrennial elections, a collegiate election shall be held for the offices of:
  - (i) Branch President;
  - (ii) Branch Vice-President;
  - (iii) Branch Secretary;
  - (iv) Branch Treasurer;
  - (v) Branch Delegates to Conference;
  - (vi) Branch Alternate Delegates to Conference.
- (e) Notwithstanding anything in this Rule, at the first meeting of the Executive following the 2011 elections and each four years thereafter, a collegiate election shall be held for the offices of:
  - (i) Union First Junior Vice-President;
  - (ii) Union Second Junior Vice-President;

who shall be elected by financial members of the Executive and from financial Committee members of the Executive.

**26. ELECTION FOR OFFICE PURSUANT TO SECTION 239 OF INDUSTRIAL RELATIONS ACT 1996 (NSW).**

- (1) (a) Subject to sub-rule (2) hereof persons elected to the offices specified in Column A of the schedule appearing in sub-rule (3) hereof in the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Municipal, Administrative, Clerical and Services Union, an organisation registered pursuant to the Fair Work (Registered Organisations) Act 2009 (Cth) (hereinafter 'the State Branch') shall be validly elected to the corresponding offices specified in Column B to the schedule in sub-rule (3) hereof in the Union (and Branches thereof) for the term of office of the Officers specified in Column A of the schedule in sub-rule (3) hereof.
  - (b) This rule shall apply to the filling of casual vacancies by election or appointment.
- (2) This Rule shall apply where:

- (a) the membership of the State Branch and the Union (and Branches thereof) are identical or substantially similar, and
  - (b) the Rules of the State Branch relating to the election of the holders of offices comply substantially with the requirements relating to the election of holders of offices under the Industrial Relations Act 1996 (NSW).
- (3) The schedule of corresponding offices specified in sub-rule (1) hereof is as follows:

<b>A (The State Branch)</b>	<b>B (The Union)</b>
Branch President	Union President
Branch Vice-President	Union Vice-President
Branch First Junior Vice-President	Union First Junior Vice-President
Branch Second Junior Vice-President	Union Second Junior Vice-President
Branch Secretary	General Secretary
Branch Treasurer	Union Treasurer
Committee Member of the Branch Executive	Executive Committee Members
Sub-Branch President	Branch President
Sub-Branch Vice-President	Branch Vice-President
Sub-Branch Secretary	Branch Secretary
Sub-Branch Treasurer	Branch Treasurer
Sub-Branch Committee of Management	Branch Committee of Management
Sub-Branch Delegates to Conference	Branch Delegates to Conference
Sub-Branch Alternate Delegates to Conference	Branch Alternate Delegates to Conference

- (4) This Rule shall apply notwithstanding any other Rule.
- (5) Two (2) months, prior to an election, to be held in accordance with this Rule, the General Secretary shall lodge with the Industrial Registrar, a Statutory Declaration that provides the following information:
  - (a) evidence of identical or substantially similar membership of the State Branch and the Union;
  - (b) evidence that the Union and the Federal Rules are substantially the same in relation to the Election Rule;

The General Secretary shall also provide a copy of the Rules registered pursuant to the Fair Work (Registered Organisations) Act 2009 (Cth).

- (6) In the event that this rule is not able to be applied, the election required to be held in accordance to Rule 25 shall be conducted in accordance with these rules.

**27. RETURNING OFFICER**

- (1) A Returning Officer shall be appointed by Conference, at each meeting of Conference.



- (2) The Returning Officer shall be responsible for the conduct of all elections, except where any election must be conducted by the Industrial Registrar as prescribed by the Industrial Relations Act, 1996.
- (3) The Returning Officer shall not be the holder of any office in the Union or Branch Committee of Management nor be an employee of the Union.
- (4) (a) The Returning Officer shall hold office until the members successor is appointed:
- (b) A Returning Officer shall be deemed to have vacated their position:
- (i) upon death: or
  - (ii) upon becoming of unsound mind; or
  - (iii) upon receipt by the Executive of notice in writing of resignation signed by the member; or
  - (iv) upon ceasing to be a member of the Union (if the member was a member at the date of the members appointment); or
  - (v) upon becoming an unfinancial member (if the member was a member at the date of the members appointment);
- and the Executive may terminate the services of a Returning Officer at any time.
- (5) (a) Two Assistant Returning Officers to assist the Returning Officer in the members duties shall be appointed by Conference at each meeting of Conference and one of such Assistant Returning Officers shall be a member of the Union attached to Sydney Branch or the Sydney C&A Branch, and one of such Assistant Returning Officers shall be a member of the Union attached to another Branch.
- (b) An extraordinary vacancy occurring in the office of Assistant Returning Officer shall be filled by an appointment thereto by the Executive.

## **28. ELIGIBILITY OF CANDIDATES**

- (1) Only members of the Union who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any office within the Union.
- (2) In addition to the qualifications set out in (1) hereof, only members attached to the Branch may be nominated for election to any of the Branch offices.
- (3) In addition to the qualifications set out in (1) hereof, only Committee members of the Executive may be nominated for election to the offices of Union First Junior Vice- President and Union Second Junior Vice-President.

**29. NOMINATION OF CANDIDATES**

- (1) The Returning Officer shall call for nominations on the first Wednesday in March, by placing advertisements in newspapers circulating throughout the State.
- (2) All advertisements calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the returning officer.
- (3) Nominations shall close 21 day after they are called except for nominations of the office of Union First Junior Vice-President and Union Second Junior Vice-President which shall close at 12 noon on the first day of the meeting of the Executive following the quadrennial elections.
- (4) All candidates must be nominated by two members of the Union who are financial members to and by the end of the month preceding the calling of nominations, with the candidate's consent in writing except for candidates for the office of Union First Junior Vice-President and Union Second Junior Vice-President who must be nominated in writing by the candidate signing the nomination.
- (5) A group of eligible members may nominate as members of a "Team Nomination" which must have a name.
- (6) The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive of any other way.
- (7) In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
- (8) If, in the view of the Branch Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch Returning Officer must:
  - (a) Approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch Returning Officer thinks necessary; and
  - (b) If such changes are not made, decided whether to accept the Team Nomination.
- (9) A Team Nomination must nominate an eligible (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
- (10) A Team Nomination must be in writing and signed by each candidate.
- (11) No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- (12) The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.

- (13) In the event of a withdrawal in accordance with sub-rule (12), the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination.
- (14) The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.

### **30. PROCEDURE AT ELECTIONS**

- (1) Where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot of financial members shall be held as hereafter provided:
- (a) In the case of:
- (i) Union President;
  - (ii) DELETED
  - (iii) Union Vice-President;
  - (iv) General Secretary;
  - (v) DELETED
  - (vi) Union Treasurer,
- of all financial members of the Union;
- (b) In the case of:
- Committee members of the Executive, of all financial members of the Branch.
- (c) In the case of:
- Branch Committee of Management members, of all financial members of the Branch.
- (d) In the case of:-
- (i) Branch President;
  - (ii) Branch Vice-President,
  - (iii) Branch Secretary,
  - (iv) Branch Treasurer;
- of the following Branches:-
- Central West Branch
  - Energy Branch
  - Metropolitan Salaried Officers' Branch
  - Murray Branch
  - Newcastle Branch
  - New England Branch
  - Northern Branch

- North Western Branch
- Riverina Branch
- Southern Branch
- Sydney Branch;
- Sydney Clerical and Administrative Branch
- Airlines Branch
- Hunter Clerical and Administrative Branch
- Illawarra Clerical and Administrative Branch

of the Branch Committee of Management members, in which a ballot is necessary;

(e) In the case of:

Delegates to Conference;

of the Branch Committee of Management members, in which a ballot is necessary.

(f) In the case of:

Alternate Delegates to Conference;

of the Branch Committee of Management members, in which a ballot is necessary.

(2) The ballot shall open no later than four weeks after the close of nominations, and shall close twenty-one days thereafter.

(3) The procedures to be followed in all elections for offices referred to in sub rule 30(1) held pursuant to this Rule shall be as follows:

(a) In the conduct of any election, the Returning Officer upon finding a nomination to be defective shall:

(i) In the case of an individual candidate, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period, of not less than seven (7) days after being notified.

(ii) In the case of a Team Nomination notify the candidate for General Secretary of that Team Nomination of that defect and, if it is practicable to do so give the Team Nomination the opportunity of remedying the defect within seven (7) days after being notified.

(b) If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the Returning Officer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said

member was nominated, failing which, the Returning Officer shall reject all nominations for full time positions submitted for that member.

- (c) Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the Returning Officer or Deputy Returning Officer as the case may be, a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinise every act performed or directed by the Returning Officer, Deputy Returning Officer or their agents in connection with the election

The Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- (d) If at the close of nominations only the required number of nominations have been received for any offices the members nominated for such offices shall be declared elected pursuant to Rule 31, and the Returning Officer shall proceed to conduct a ballot in accordance with these Rules for any offices for which more than the required number of nominations was received.

Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared elected pursuant to Rule 31.

- (e) For the purpose of an election, the books of the Union shall be deemed to have closed on the last day-of the month immediately preceding the date of calling of nominations, and only members shown in the records of the Union on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.

The General Secretary shall, when required by the Returning Officer, or no later than thirty days after the close of nominations provide to the Returning Officer a certified list of members eligible to vote, showing the name and the residential or postal address appearing in the Union records in respect of each eligible member.

- (f) To safeguard against irregularity the Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour.

The Returning Officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorisation of the Returning Officer. The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight that the secrecy of the ballot is preserved.

The Returning Officer shall make such arrangements with Australia Post as well, for the dispatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorised person has access to the ballot papers.

- (g) The Returning Officer shall prepare and forward or cause to be forwarded by prepaid post to each member entitled to vote a ballot paper together with an envelope in which the ballot paper is to be sealed and a prepaid, return addressed, counterfoil envelope in which the ballot paper, in the sealed envelope, shall be returned by the member voting without expense to the member. Provision shall be made on the counterfoil envelope for a number and for the name and signature of the member to be recorded.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials, but shall not bear any mark that would disclose the identity of the member voting.

To ensure the secrecy of the ballot the Returning Officer shall set aside or cause to be set aside the counterfoil envelope before the envelope in which the ballot paper is sealed is opened and shall have an instruction to this effect printed on the counterfoil envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or lists provided by the General Secretary in accordance with (e) hereof.

- (h) If there is at least one Team Nomination the ballot paper must have two parts divided by a horizontal line.
- (i) (i) The position of all candidates names and Team Nomination names on the ballot paper shall be determined by drawing lots.
- (ii) The name of the incumbent person (if any) shall be indicated by an asterisk.
- (j) The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in two ways:
- (i) By completing the first part of the ballot paper (voting “above the line”), by voting each member of a Team Nomination by marking a Team Box with a cross (“X”) in which case only one Team Box should be marked; or
- (ii) By completing the second part of the ballot paper (voting “below the line”), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the elections with a cross (“X”), in respect of the positions for which an election is being conducted.

- (iii) If there are not two parts to the ballot paper, the instructions referred to in paragraph (ii) hereof shall appear on the ballot paper with the necessary changes.
- (k) The ballot papers must also contain:
  - (i) The date and time of closing of the ballot; and on the first part:
  - (ii) The name of each Team Nomination; and
  - (iii) Boxes beside the names of the Team Nominations;but otherwise be unmarked in that part.
- (l) The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
  - (i) The name of the position being elected;
  - (ii) The name of each candidate, as each name appears on the nomination form, for election to the position;
  - (iii) The name of the Team Nomination of each candidate (where applicable);
  - (iv) Boxes beside the names of the candidates.
- (m) The Returning Officer shall arrange for the collection and counting of the ballot papers in the presence of the scrutineers present at the appointed time and place.
- (n) If any ballot paper is challenged during the counting of the ballot papers the Returning Officer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.
- (o) A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- (p)
  - (i) Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
  - (ii) If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.
- (q) In the event of there being a tie a candidate who, at the date of nominating, holds the office in question shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.

(4) Notwithstanding anything in this Rule, where the number of candidates exceeds the number of offices to be filled by collegiate election, a secret ballot of all financial members shall be held as hereafter provided:

(a) In the case of:

(i) Union First Junior Vice-President;

(ii) Union Second Junior Vice-President

of all financial members of the Executive.

(5) Notwithstanding anything in this Rule, the procedure to be followed in elections for offices referred to in sub rule 30(4) held pursuant to this Rule shall be as follows:

(a) The Returning Officer shall call for nominations from among financial Committee members of the Executive, hereinafter referred to as the Electoral College, in accordance with Rule 29.

If the Returning Officer finds a nomination to be defective the Returning Officer shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give the person the opportunity of remedying the defect within a period of not less than 24 hours from the time of receipt of advice that the nomination is defective.

(b) Seven (7) days before the first meeting of the Executive following the quadrennial elections, the Returning Officer shall notify each member of the Electoral College that the ballot opens at 12 noon and closes at 1pm on the first day of the first meeting of the Executive following the quadrennial elections.

(c) If at the close of nominations, only the required number of nominations have been received for any of the offices, the Returning Officer shall declare such candidates elected.

(d) If there are more than the required number of candidates for any office, the Returning Officer shall conduct an election by secret ballot of the members of the Electoral College on the first day of the first meeting of the executive following the quadrennial elections. The ballot will open at 12noon and close at 1pm.

(e) Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint a scrutineer by notice in writing to the Returning Officer for any and each place at which the election is conducted. Scrutineers so appointed, may be present and scrutinise every act performed or directed by the Returning Officer, Assistant Returning Officer or their agents in connection with the election. The Returning Officer shall notify all scrutineers of the dates, time and place at which it is proposed to conduct the election.

- (f) The Returning Office shall arrange for the preparation of ballot papers on which the candidates name shall appear in alphabetical order.
- (g) The Returning Officer shall initial and hand to each member of the Electoral College a ballot paper. Each member shall cast a vote by completing the ballot paper by striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.
- (h) Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Returning Officer for an absent vote, together with an address where such member can receive communications, and, if any member has done so, the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.
- (i) The candidate or candidates securing the highest number of votes shall be declared elected.
- (j) In the event of a tie sub rule 30(3)(g) shall apply.
- (k) The Returning Officer shall declare the result in writing as soon as the count is completed to the General Secretary.

### **31. ASSUMPTION AND TENURE OF OFFICE**

- (1) The Returning Officer shall declare the results of the Election:
  - (a) where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.
  - (b) where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.
- (2) Candidates elected to any office shall assume office upon the declaration of the ballot by the Returning Officer and shall remain in office until their successors are declared elected.
- (3) Where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.
- (4) Where no nomination is received for any office where an election has been conducted in accordance with these Rules and no successor has been duly elected the Returning Officer shall immediately conduct a further election as though a casual vacancy existed pursuant to Rule 32.

**32. CASUAL VACANCIES**

- (1) A casual vacancy shall occur in any office within the Union, where the holder of an office dies, resigns, is removed from office, -or ceases to hold office, in accordance with these Rules.
- (2) (a) Where a casual vacancy occurs in the office of any Union Officer elected by the whole of the membership and the unexpired portion of the term of the office is more than
- (i) 12 months; or
  - (ii) three quarters of the term of the office,
- which ever is the greater, the General Secretary shall immediately report such vacancy to the Executive, and an ordinary election shall be held.
- (b) Where a casual vacancy occurs in the office of Union First Junior Vice-President or Union Second Junior Vice-President and the unexpired portion of the term of the office is more than
- (i) 12 months; or
  - (ii) three quarters of the term of the office;
- (3) Where a casual vacancy occurs in the office of Union President, Union Vice-President, Union First Junior Vice-President, Union Second Junior Vice-President, General Secretary or Union Treasurer and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the Executive shall appoint an eligible member to the office, for such unexpired portion of the term.
- (4) Where a casual vacancy occurs in an office elected by a Branch and the unexpired portion of the term of such office is more than -
- (i) 12 months; or
  - (ii) three quarters of the term of the office;
- whichever is the greater, the General Secretary shall immediately report any such vacancy to the Executive, and an ordinary election shall be held.
- (5) Where a casual vacancy occurs in an office elected by and from a Branch Committee of Management and the unexpired position of the term of the office is more than
- (i) 12 months; or
  - (ii) three quarters of the term of the office;
- whichever is the greater, the General Secretary shall immediately report such vacancy to the Executive, and a collegiate election of the Branch Committee of Management shall be held.

- (6) Where a casual vacancy occurs in the office elected by and from the members in a Branch or by the members of a Branch Committee of Management and the unexpired portion of the term is less than twelve (12) months or three quarters of the term whichever is the greater, the Branch Committee of Management shall appoint an eligible member to the office, for such unexpired portion of the term.

**33. EXECUTIVE**

- (1) (a) Commencing from the declaration of the results at the 2011 elections there shall be an Executive, which shall consist of the Union President, the Union Vice-President, the Union Treasurer, the Union General Secretary, (who shall have the title General Secretary) and eighteen Committee members and a Union First Junior Vice-President and Union Second Junior Vice-President elected from the eighteen Committee members.
- (b) The Committee members shall come from the Branches of the Union, with one from each Branch, provided that the Metropolitan Salaried Officers' Branch, Sydney Branch and Sydney Clerical and Administrative Branch shall each be entitled to one additional Committee member.
- (c) Commencing with the elections in 2003 full time employees of the Union shall not be eligible to stand for election or to hold office as a member of the Executive, excepting the office of General Secretary.
- (d) For the purposes of this Rule, employees of the Union shall be those in receipt of a salary paid by the Union. Persons in receipt of payments arising from their appointment as directors of a trustee of a superannuation fund, or as trustees of such a fund or as service providers, shall not, by that reason alone, be deemed to be employees of the Union.
- (e) Should an Executive member, other than the General Secretary, accept temporary or casual employment with the Union, the Executive member shall cease to carry out the duties of Executive member for the period of such employment, and shall be replaced by an alternate Executive member appointed by and from the Committee of Management of the Branch he or she represents.
- (f) A Branch Committee of Management may appoint a member of their Committee of Management to act as a proxy in the event of a vacancy created by the casual or temporary employment with the Union of their Executive member provided that if the term of the casual vacancy thus created exceeds twelve months or three quarters of the term of office whichever is the greater the casual vacancy shall be filled in accordance with Rule 32.
- (2) Between meetings of Conference the government of the Union in all respects shall be vested in the Executive, which for that purpose shall have all the powers, authorities, functions and duties of Conference other than setting the subscription. Nothing in this sub-rule, however, shall effect in any way the powers conferred by the Rules on any specified Officer or Officers to act in cases of emergency nor the

power of the Executive to alter the Rules in accordance with the notice requirements specified in Rule 59(2).

- (3) Meetings of the Executive shall be held at such time and place as the Executive may determine from time to time: Provided that the General Secretary may summon a meeting of the Executive at any time, and the General Secretary shall do so whenever so directed by the Union President.
- (4) At a meeting of the Executive a quorum shall be a majority of members entitled to be present and in the event of a quorum not being present within thirty minutes after the appointed time for a meeting of the Executive the meeting shall lapse.
- (5) In the event of the Union President and the Union Vice-President, the Union First Junior Vice-President and the Union Second Junior Vice-President being absent from a meeting of the Executive, then the members present shall elect a Chairperson of the meeting.
- (6) Each Executive Committee member shall be paid from the General Funds of the Union such honorariums as may be prescribed by the Executive from time to time.

**34. DELETED**

**35. UNION PRESIDENT**

- (1) The Union President shall –
  - (a) be Chairperson of Conference and of meetings of the Executive or of members or representatives of the Union, at which the President is present;
  - (b) superintend the discussion of all business tabled for consideration at such a meeting;
  - (c) enforce the Rules of the Union and preserve good order among the members present;
  - (d) possess (and may exercise) an ordinary vote and a casting vote: Provided that at Conference the President shall have a casting vote only;
  - (e) sign the minutes of the proceedings of meetings adopted by a meeting at which the President is present.
- (2) The Union President shall be paid such honorarium as may be prescribed by the Executive from time to time.

**36. DELETED**

**37. UNION VICE-PRESIDENT**

- (1) (a) The Union Vice-President shall assist the Union President in the discharge of the duties of that office.

- (b) In the absence of the Union President from a meeting of which the member would, if present, be Chairperson, the Union Vice-President shall be Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Union President.
- (2) The Union Vice-President shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.

**37A. UNION FIRST JUNIOR VICE-PRESIDENT**

- (1) (a) The Union First Junior Vice-President shall assist the Union Vice-President in the discharge of duties of the office.
- (b) In the absence of the Union Vice-President from a meeting of which the member would, if present, be Chairperson, upon nomination by a majority of the Executive, the Union First Junior Vice-President shall be Chairperson of such meeting and for that purpose shall have all duties and may exercise all the powers of the Union Vice-President.
- (c) Upon nomination by the Union President, or in the absence of the Union President, by the Union Vice-President, the Union First Junior Vice-President shall be Chairperson of any Union meeting of which the Union President or Union Vice-President would otherwise be Chairperson, and for that purpose shall have all duties and may exercise all the powers of the Union President or Union Vice-President.
- (2) The Union First Junior Vice-President shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.
- (3) This Rule becomes effective from the declaration of the results at the 2011 elections.

**37B. UNION SECOND JUNIOR VICE-PRESIDENT**

- (1) (a) The Union Second Junior Vice-President shall assist the Union Vice-President in the discharge of duties of the office.
- (b) In the absence of the Union Vice-President from a meeting of which the member would, if present, be Chairperson, upon nomination by a majority of the Executive, the Union First Junior Vice-President shall be Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Union Vice-President.
- (c) Upon nomination by the Union President, or in the absence of the Union President, by the Union Vice-President, the Union Second Junior Vice-President shall be Chairperson of any meeting of which the Union President or Union Vice-President would otherwise be Chairperson, and for that

purpose shall have all the duties and may exercise all the powers of the Union President or Union Vice-President.

- (2) The Union Second Junior Vice-President shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.
- (3) This Rule becomes effective from the declaration of the results at the 2011 elections.

**38. GENERAL SECRETARY**

- (1) The General Secretary may be paid such salary as may be prescribed by the Executive from time to time.
- (2) (a) The General Secretary, between meetings of the Conference and Executive shall conduct and manage the affairs of the Union and do all things necessary to be done by or on behalf of the Union.
- (3) (a) General Secretary shall control and manage the office and employees of the Union;  
(b) be the responsible Officer for the execution of all documents on behalf of the Union other than as provided in Rule 10,  
(c) have charge of the records of the Union, including a register of members showing the name residential and postal addresses, Branch and financial status of each member, and be responsible for the recording, filing and safe keeping thereof  
(d) shall advise all Branch Secretaries of all new members allocated to their Branch and also all resignations from their Branch.  
(e) have authority to represent the Union before Tribunals under the N.S.W. Industrial Relations Act, 1996, as amended and/or the Workplace Relations Act, 1996 (Cth).  
(f) prepare and furnish all returns, statements, declarations or the like as required by law;  
(g) see that the accounts of the Union are kept and presented for audit in accordance with these Rules;  
(h) prepare a financial statement for each meeting of Conference, or more often if so desired by the Executive, setting out the financial dealings of the Union since the immediately preceding report and the financial position of the Union as at the date of the report;  
(i) keep accurate, permanent records of the activities of the Union and of all property of the Union.

- (j) hand over all books and other property belonging to the Union in the General Secretary's hands as directed by Conference or the Executive;
  - (k) generally perform such other duties as are allocated to the General Secretary by Conference or the Executive from time to time.
  - (l) prepare a report for each meeting of Conference, setting out the activities of the Union since the immediately preceding report;
- (4) Pending an election to fill any vacancy in the office of General Secretary or during any period that the General Secretary is unable to carry out the functions of the office, the Executive may appoint any person eligible to be elected General Secretary to be Acting General Secretary. The Person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the General Secretary under the Rules of the Union.
- (5) Prior to or during any temporary absence of the General Secretary, the General Secretary may appoint any person eligible to be elected General Secretary to be Acting General Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the General Secretary under the Rules of the Union.

**39. DELETED**

**40. UNION TREASURER**

- (1) The Union Treasurer shall -
- (a) sign all cheques as required by these Rules;
  - (b) check the accounts of the Union as kept by the General Secretary;
  - (c) present all accounts of the Union to each meeting of Conference and the Executive;
  - (d) generally perform such other duties as are allocated to the Treasurer by Conference or the Executive from time to time; and
  - (e) hand over all books and other property belonging to the Union in the Treasurers hands as directed by Conference or the Executive.
- (2) The Union Treasurer shall be paid from the general funds of the Union such honorarium as may be prescribed by the Executive from time to time.

**41. ORDER OF BUSINESS AND STANDING ORDERS**

- (1) The order of business at meetings of the Union shall be;
- (a) Apologies
  - (b) Minutes

- (c) Financial Reports
- (d) Executive Reports
- (e) Notices of Motion
- (f) Business

The Rules of Debate at meetings of the Union shall be;

- (2) Any member desiring to propose a motion or an amendment or to discuss any matter under consideration, must address the Chairperson. The right of speaking on any subject shall belong to the member who first addresses the Chairperson. No member shall speak more than once to a motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall for the purpose of the debate be held to have spoken, but a seconder may reserve the right to speak later. When two or more members seek the right to speak together the Chairperson shall call upon the member who, in the chair's opinion, first addressed the chair. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- (3) All business shall proceed by way of motion which must be affirmative in character. All motions and amendments shall be placed in writing when directed by the Chairperson.
- (4) No member, when speaking, shall be interrupted unless called to order, when that member shall sit down, and the member calling to order shall be heard in support of this point: the Chairperson may at that stage decide the point or hear further discussion, but such point shall be decided before the debate is resumed.
- (5) A motion may be superseded at any time by another motion,  
"That it be discharged from the agenda paper"  
or  
"That the next business be proceeded with".  
being resolved in the affirmative, such superseding motion shall be put without debate.
- (6) Any motion or first amendment not seconded shall not be further debated, but shall lapse.
- (7) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. Amendments shall be put to the vote in the order in which they are received. When amendments have been put and lost the original motion shall then be put to the meeting.
- (8) No amendment shall be received by the Chairperson which is a direct negative to a motion, or which does not preserve the substance of such motion.

- (9) Immediately the debate on any question is concluded the Chairperson 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 voting, which shall be on the voices, unless the Chairperson or a member present calls for a show of hands; in the event of three or more members present so demanding the vote shall be taken on a division. No member shall enter or leave the meeting while a division is being taken. In the event of the voting on any question being equal the Chairperson shall declare the motion lost.
- (10) No member shall speak on any motion after the same has been put by the Chairperson.
- (11) When the Chairperson rises during a debate, the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.
- (12) It shall be competent for a majority of members present at the meeting by resolution to suspend so much of the Standing Orders as may be necessary to achieve some purpose specified in the resolution, such as to introduce some matter which is not in the program of business, or to vary the order of business to give priority to some particular matter.
- (13) No member shall be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting. The time of discussion to be limited to sixty minutes for each question unless extended by resolution.
- (14) Any member dissatisfied with the Chairperson's ruling may move a motion of dissent in the following terms:- "That the Chairperson's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chairperson who may state reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chairperson, without further discussion, in the following form:- "The motion is that the Chairperson's ruling be upheld."
- (15) 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 speakers remarks, no member arises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.
- (16) Any member who has not spoken on the business before the Chair shall have the right to move "That the question be now put" at any time during the course of the debate.
- (17) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and shall at once be put to the meeting by the Chairperson. Such adjournment shall follow if carried by a vote of the members present.
- (18) When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the meeting.

- (19) Any motion agreed to or negatived cannot again be discussed unless one month's clear notice of the proposed recommittal be given. The Chairperson may allow debate on motions prior to the 1 month limit if it is deemed that exceptional circumstances exist.

Any recision motion must be carried by 2/3rds of those entitled to vote at any meeting so called.

- (20) A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the meeting thereon. If the report contains no recommendation it shall be competent for a member to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.
- (21) (a) The meeting may at any time by resolution agreed to by a majority of the members present, resolve itself into a Committee.
- (b) The Rules governing the business of the meeting shall be observed when in Committee.
- (22) The Rules of debate in this Rule shall apply to all meetings of the Union.

#### **42. EMPLOYEES OF THE UNION**

The Union may employ such persons for the purpose of carrying out these Rules as the Executive deems necessary.

All appointments shall be made in accordance with the Union's Appointment Policy. The General Secretary is empowered by these Rules to appoint staff in accordance with the Staff Establishment Chart subject to a report being provided to the next Executive meeting.

Employees of the Union shall be under the control of the General Secretary (Rule 38 (3)(a)) shall be employed during the pleasure of the Executive only, and shall be employed upon such terms and conditions as the Executive may prescribe from time to time.

#### **43. VACATION OF OFFICE**

- (1) An Officer of the Union shall be deemed to have vacated their office -
- (a) upon the death of the occupant;
- (b) upon the occupant becoming of unsound mind;
- (c) upon receipt by the Branch of a signed notice of resignation of the occupant;
- (a) upon the occupant ceasing to be a member of the Union;
- (b) upon the occupant becoming an unfinancial member; or

- (f) upon the occupant no longer being employed for six months in the industry or no longer working in the Branch area, workplace, or grouping for which they were elected.
- (g) upon the removal of the occupant pursuant to Rules 40 and 69 of these Rules.

#### **44. SUSPENSION AND REMOVAL FROM OFFICE**

(1) In the case of the holders of the offices of:

- (a) Union President, Union Vice-President, General Secretary, Union Treasurer, Executive Committee Members, Committee of Management members, Delegates and alternate Delegates to Conference.
- (b) At a meeting of the Executive, to which the holder of any of the above offices has been summoned, in writing by direction of the Executive, to show cause why they should not be dealt with in accordance with this Rule, the Executive may;
  - (i) remove that Officer from any office if they have ceased according to the Rules to be eligible to hold such office, or
  - (ii) deal with that Officer in accordance with sub-rule (4) of this Rule if the Officer has been found guilty by the Executive of:
    - misappropriation of funds of the Union;
    - a substantial breach of the Rules of the Union;
    - gross misbehaviour in relation to the office, or
    - gross neglect of duty in the conduct of the office;

The summons to show cause shall:

- (a) state the allegation together with the particulars thereof;
  - (b) disclose the evidence on which the allegation is based;
  - (c) state the time, date and place at which the Officer is to show cause;
  - (d) be delivered personally to the Officer concerned (or posted by registered mail to the Officers last known address) at least twenty-one days before the meeting at which the matter is to be determined;
  - (e) have attached to it a copy of this Rule.
- (2) Should any Officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Executive may proceed with the hearing of the allegation in their absence provided

it is first satisfied that notice of the hearing in accordance with this Rule has been served on them.

- (3) The evidence relating to the alleged offence should be heard by the Executive and the Officer concerned shall be heard in defence personally and/or in writing.
- (4) If in the opinion of the Executive the Officer is guilty of the alleged offence it may
  - (a) reprimand the Officer;
  - (b) suspend the Officer for a period not exceeding three months;
  - (c) dismiss the Officer from office; or
  - (d) expel the Officer from the Union.
- (5) The General Secretary, or where appropriate the Union President, shall promptly inform the Officer by registered letter of the decision of the Executive. The decision of the Executive shall become effective immediately after it is made.
- (6) If the Executive suspends any Officer from office pursuant to this Rule it shall forthwith appoint a member of the Union eligible to perform the duties of that office for the duration of the suspension.
- (7) Any Officer expelled by the Executive pursuant to this Rule shall not be re-admitted to membership except by a vote of the Executive.
- (8) No Officer suspended under this Rule shall attend any meeting of the Union unless requested to do so by the relevant meeting.
- (9) An Officer suspended or removed from office or expelled from the Union pursuant to this Rule shall have a right of appeal to a meeting of Conference provided that the Officer lodges a written appeal within twenty-eight days of the decision against which the appeal is made. The members of the Executive, other than the General Secretary shall not participate in the hearing and determination of any appeal to the Conference from the Executive.

### **45. SPECIAL CONFERENCE**

- (1) The Executive may convene a Special Conference at its own initiative or at the request of at least fifty percent of the Branches.
- (2) All office holders eligible to attend the Conference shall receive at least four weeks notice of the time and place of the Special Conference.
- (3) The Executive shall determine the agenda items for the Special Conference and notify the office holders in (2) of the agenda at least four weeks prior to the Special Conference.
- (4) The Executive may subsequently incorporate additional items in the Agenda at any time up to the conclusion of the Special Conference.

- (5) Special Conference shall consist of the Executive and Conference delegates from the Branches of the Union. The Chairperson shall not have a deliberative vote, but shall have a casting vote.
- (6) Special Conference shall have the same powers and authorities as conferred on Conference in Rule 23.
- (7) Rule 23 Conference shall apply, mutatis mutandis to Special Conference.

**46. MEMBERS' PICNIC**

- (1) The Executive or one or more Branches may organise an annual picnic of members, and a member attached to a Branch in an area or sphere as to which such a picnic is organised shall be liable to pay to the Union the price of the picnic ticket for such picnic.
- (2) The date and price of a picnic ticket for a Union picnic of members organised within the Sydney Metropolitan Area shall be fixed by the Executive and the date and price of a picnic ticket for a picnic of members organised outside the Sydney Metropolitan Area shall be fixed by the Committee of Management of the Branch concerned.
- (3) Non members may purchase a picnic ticket at a rate determined on an appropriate commercial basis as determined from time to time by the Executive or the relevant Branch Committee of Management.
- (4) Branches may elect to apply an additional annual picnic levy to members (excluding metropolitan members) of not less than fifty (50) cents per week or twenty-six (26) dollars per year with all accumulated funds to be used only for the purpose of Sub Branch Union Picnic functions.

**47. APPEALS**

- (1) From any decision of the Committee of Management of a Branch an appeal shall lie to a meeting of the Branch, and not otherwise.
- (2) From any decision of a Branch an appeal shall lie to the Executive, and not otherwise.
- (3) From any decision of the Executive an appeal shall lie to Conference.
- (4) Every appeal from a decision shall be made within fourteen days next after the date of notification to the appellant of such decision, and shall be by notice in writing lodged with the Branch Secretary where the appeal is being made to a Branch or lodged with the General Secretary where the appeal is being made to the Executive or to Conference, and such notice shall state the grounds of appeal, shall bear the date on which it is signed and shall be signed by the appellant.
- (5) Notice of the date, time and place of hearing of an appeal shall be given to the appellant and to any other party to the appeal at least seven days before the date of such hearing.

- (6) Every party to an appeal shall be entitled to be present at the hearing of the appeal, and to be heard.
- (7) On any appeal the appellant body may affirm, reverse or otherwise alter (in whole or in part) the decision appealed against.

#### **48. POWER TO IMPOSE LEVY**

The Executive may from time to time strike a levy or levies on all members of the Union or on a Branch or Branches of the Union or on a section of the membership of the Union.

Levies imposed on a Branch or Branches or a section of the membership shall not be imposed except for the purpose of providing funds for advancing or protecting the particular interests or meeting the particular requirements of the Branch or section of the members concerned respectively, in accordance with the objects of the Union.

#### **49. POWER TO MAKE A LOAN, GRANT OR DONATION**

- (1) The Executive may approve the making of a loan, grant or donation, once it is satisfied:
  - (a) that the making of the loan, grant or donation would be in accordance with the Rules of the Union: and
  - (b) in the case of 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.

#### **50. ADEQUACY OF NOTICE**

Any Rule of these Rules which requires that notice otherwise than by publication in a newspaper shall be given, or that any document shall be forwarded to a member shall be deemed to be complied with if the notice or document be forwarded by prepaid letter to the address of the member last furnished pursuant to Rule 58 of these Rules, or if there be no such address, to the address furnished by the member when applying for admission to membership of the Union.

#### **51. ILLEGAL STRIKE**

Neither the Union nor any of its members shall take part in, aid or abet an illegal strike, nor shall the Union or any of its members, during the currency of any strike, do any act or thing to induce or compel any person to refrain from handling or dealing with any article or commodity in the course of transit thereof, or in the process of the manufacture, sale, supply or use thereof.

#### **52. RIGHT OF ENTRY**

- (1) An Officer or employee of the Union authorised under Section 299 of the NSW Industrial Relations Act 1996 may enter, during working hours any premises where

relevant employees are engaged for the purpose of holding discussions with the employees at the premises in any lunch time or non working time.

- (2) (i) An Officer or employee of the Union authorised under Section 299 of the NSW Industrial Relations Act 1996 may enter, during working hours any premises where relevant employees are engaged for the purpose of investigating any suspected breach of the industrial relations legislation or of any industrial instrument that applies to any such employees.
- (ii) Such entry must be carried out in accordance with the relevant provisions of the NSW Industrial Relations Act 1996.

### **53. ABSORPTION**

Members of an organisation, association or union, whether registered or not, may be absorbed into membership of the Union by decision of Conference and upon such terms and in such manner as Conference by its decision prescribes, provided that such members are qualified for membership of the Union in accordance with Rule 4 of these Rules.

### **54. AFFILIATION**

- (1) The Union may affiliate with a body established for the protection and promotion of the cause of Labor in the geographical territory of the Union by decision of the Executive and upon such terms and in such manner as the Executive by its decision prescribes.
- (2) Where a term of any such affiliation is that the Union shall have delegates to represent it upon the body with which it affiliates, and such delegates are to be chosen or elected (and not appointed), any necessary election of delegates shall be carried out in the same manner as the election for the Executive, and Rule 30 of these Rules shall apply, mutatis mutandis, to such an election.

### **55. AMALGAMATION**

The Union may amalgamate with another industrial union upon a resolution to that effect of Conference which includes within it the terms upon which amalgamation is being effected.

### **56. BY LAWS**

The Executive may from time to time make any by-law necessary or convenient for achieving the objects of the Union, and generally for carrying into effect these Rules: provided that no by-law may be made nor shall be valid which is inconsistent with these Rules.

**57. INSPECTION OF BOOKS**

A member of the Union, upon personal application to the General Secretary, may inspect during the normal office hours of the office of the Union the books and Union Register of Members in the custody of the General Secretary.

**58. COPY OF RULES**

- (1) Upon admission to membership a member, upon application, shall be entitled to receive free of charge from the Branch Secretary of the Branch to which the member is attached a copy of these Rules, and upon any reprint of these Rules, each member, upon like application, shall be entitled to receive free of charge a copy thereof.
- (2) A member, upon application, may at any time obtain additional copies of these Rules upon the payment of the sum of five dollars for each such additional copy.

**59. ALTERATION OF RULES**

- (1) These Rules may be amended or repealed or new Rules may be made by Conference provided:-
  - (a) That written notice of proposed amendment, repeal or new Rule has been given to the General Secretary not less than two (2) months before the date of the Conference; and
  - (b) Notice of the proposed amendment, repeal, or new Rule together with the Agenda paper for the Conference is posted to all Conference delegates not less than fourteen (14) days before the date of the Conference.
- (2) The Rules may be amended or repealed or new Rules made by the Executive, other than setting subscriptions in accordance with Rule 33 (2) ), provided:
  - (a) That written notice of the proposed amendment, repeal or new Rule has been given to the General Secretary not less than twenty one (21) days before the date of the Executive; and
  - (b) Notice of the proposed amendment, repeal or new Rule together with the Agenda Paper for the Executive is posted to all Executive members not less than fourteen (14) days before the date of the Executive.

**60. DISSOLUTION OF UNION**

- (1) The Union shall not be dissolved, nor its funds or property appropriated to any purpose other than those set forth in these Rules, so long as thirty members are enrolled in the Union Register of Members.
- (2) Should the number of members of the Union at any time be reduced from any cause whatsoever to less than thirty, the Union may be dissolved by a decision of the majority of the members voting by secret ballot on the question.

- (3) After discharging all debts and liabilities, the remaining assets of the Union shall be distributed to the members.
- (4) Notice of any such dissolution signed by the General Secretary and seven members shall be given immediately to the Industrial Registrar.

**61. NAME OF BRANCH**

The name of a Branch shall be the name assigned to the Branch by or pursuant to Rule 9 of these Rules, and it shall be expressed thus: "New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities (herein insert the name of the Branch) Branch".

**62. FUNDS OF BRANCH**

- (1) Funds received by a Branch shall be the property of the Union, and this Rule shall be read subject to Rule 10 of these Rules.
- (2)
  - (a) From the funds received by it a Branch shall retain the sum of-Seventeen percent per annum of the membership subscription exclusive of any levies or special considerations in respect of each member attached to the Branch, and any fine imposed by the Branch or by the Committee of Management thereof upon a member attached to the Branch.
  - (b) From the funds received by it, a Branch shall provide for the payment of honorariums to Branch President, Branch Vice-President, Branch Secretary and Branch Treasurer for services rendered.

Provided that in each financial year payment is made as prescribed by Union policy.

- (c) From the funds received by each Branch specified in this sub-rule, a branch shall provide for the payment of a recruitment allowance, the allowance shall be paid as prescribed by Union policy to members of the Committee of Management (and any other specified representatives):
  - (i) in each financial year the sum of such commissions paid shall not exceed fifteen percent of the funds of the Branch as specified in paragraph (a) hereof or in the case of specified representatives determined in accordance with (c) hereof the maximum payment shall not exceed the annual subscription rate.
  - (ii) the Branches to which this sub rule applies are the Central West Branch, Energy Branch, Metropolitan Salaried Officers' Branch, Murray Branch, Newcastle Branch, New England Branch, Northern Branch, North Western Branch, Riverina Branch, Southern Branch and Sydney Branch.

Provided that in each financial year the sum of such commissions paid shall not exceed fifteen percent of the funds of the Branch as specified in paragraph (a)

hereof or in the case of specified representatives determined in accordance with (c) hereof the maximum payment shall not exceed the annual subscription rate.

- (d) A Branch, after retaining the sums specified in paragraph (a) hereof, shall remit to the Executive not less frequently than once in each half year the balance of all funds received by it.
  - (e) A Branch shall after each half yearly balance specified in paragraph (d) remit to the General Fund all funds in excess of ten thousand dollars.
- (3) Notwithstanding the provisions of paragraph (b) and (c) of sub rule 2 of this Rule, the funds retained by a Branch shall be used by it for the objects of the Union as prescribed by Rule 5 of these Rules, and in the necessary expenses of management of the Branch.
- (4) (a) Subject to this Rule, funds and all real and personal estate belonging to the Union in the hands of a Branch shall be under the control of the Committee of Management of the Branch.
- (b) Funds and all personal estate other than securities belonging to the Union in the hands of a Branch shall be in the custody of the Committee of Management of a Branch, subject to any direction that the Executive may give from time to time in accordance with Rule 10 (4).
- (5) Funds of the Union in the hands of a Branch shall, be banked with any registered financial institution, approved by the Executive in the name of the Union and of the Branch.
- (6) All cheques or withdrawal forms, as the case may be, drawn upon any such account, shall be signed by the Branch Treasurer, and shall be countersigned by the Branch President and the Branch Secretary: Provided that in the case of absence of any of such persons, or of their inability to sign cheques or withdrawal forms, the Committee of Management may appoint a member of the Committee of Management to sign in place of the absent or unable person either generally or in any particular case.

### **63. AUDIT OF BRANCH FUNDS**

- (1) Immediately prior to the annual general meeting of the Branch, and at least one other regular occasion in the year, the Union Auditors shall -
- (a) investigate the books and other documents of the Union in the hands of the Branch appertaining to finance, and audit the accounts of the Branch; and
  - (b) furnish to the General Secretary and Committee of Management a report and balance sheet of the Branch's finances, certifying to the correctness of such report.
- (2) Notwithstanding any foregoing provision of this Rule, the Executive may direct at any time an investigation and audit of the books and other documents of the Union in the hands of a Branch by the Union Auditor.

**64. BRANCH REGISTER OF MEMBERS**

An up to date register of the names and residential or postal addresses and employer details of the members attached to a branch shall be forwarded to the Branch Secretary at least each 3 months.

**65. CHANGE OF MEMBER'S ADDRESS**

A member changing address will provide the details of such change to the membership section of Head Office within 14 days of such change occurring.

**66. BRANCH COMMITTEE OF MANAGEMENT**

Subject to these Rules, the management of a Branch shall be vested in a Committee of Management consisting of the Branch President, the Branch Vice-President, the Branch Treasurer, the Branch Secretary and such number of Committee persons as the Branch determines subject to endorsement by the Executive provided that the maximum number of Committee persons of any Branch shall not exceed thirty other than each of the Metropolitan and Salaried Officers' Branch and the Sydney Branch which may each have up to forty Committee persons.

**67. BRANCH PRESIDENT**

(1) A Branch President shall -

- (a) be Chairperson of meetings of the Branch and of the Committee of Management of the Branch and of meetings of members or representatives of the Union attached to the Branch at which the Branch President is present;
- (b) superintend the discussion of all business tabled for consideration at such a meeting;
- (c) enforce the Rules of the Union and preserve good order among members present;
- (d) possess (and may exercise) an ordinary vote and a casting vote; and
- (e) sign the minutes of proceedings of meetings adopted by a meeting at which the Branch President is present.

(2) Subject to Rule 62 (2)(b) of these Rules a Branch President shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

**68. BRANCH VICE-PRESIDENT**

(1) A Branch Vice-President shall assist the Branch President in the discharge of the duties of the Branch President office.

- (2) In the absence of a Branch President from a meeting at which the Branch President would, if present, be Chairperson, the Branch Vice-President shall be the Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Branch President.
- (3) Subject to Rule 62(2) (b) of these Rules, a Branch Vice President shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

**69. BRANCH SECRETARY**

- (1) A Branch Secretary shall be responsible for the performance of the administrative work of the Branch, and in particular shall:
  - (a) carry out the obligations specifically imposed by these Rules;
  - (b) keep the records of the Branch, and the minutes of meetings of the Branch, and of the Committee of Management thereof;
  - (c) check the accounts of the Branch as kept by the Branch Treasurer.
  - (d) arrange for all meetings of the Branch and of the Committee of Management thereof, and the giving of due notice to members;
  - (e) Shall enter all assets in the Assets Register and shall present the Register for a yearly audit as and when required by the General Secretary
  - (f) generally perform such other duties as are allocated by the Committee of Management of the Branch from time to time: and
  - (g) hand over all books and other property belonging to the Union as directed by the Committee of Management of the Branch.
- (2) Subject to Rule 62 (2)(b) of these Rules, a Branch Secretary shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

**70. BRANCH TREASURER**

- (1) A Branch Treasurer shall -
  - (a) sign all cheques as required by these Rules;
  - (b) keep the accounts of the Branch and present them for audit pursuant to these Rules.
  - (c) present all accounts of the Branch to each meeting of the Branch and to the Committee of Management thereof;
  - (d) generally perform such other duties as are allocated by the Committee of Management of the Branch from time to time; and

- (e) hand over all books and other property belonging to the Union as directed by the Committee of Management of the Branch.
- (2) Subject to Rule 62 (2)(b) of these Rules, a Branch Treasurer shall be paid from the funds of the Branch such honorarium as may be prescribed by the Branch from time to time.

**71. SUSPENSION AND REMOVAL FROM COMMITTEE OF MANAGEMENT**

- (1) At a meeting of a Branch Committee of Management, to which the holder of any Branch office has been summoned in writing signed by the Branch Secretary or the Branch President, to show cause why they should not be dealt with in accordance with this Rule the Committee may:
- (a) remove that Officer from any office if they have ceased according to the Rules to be eligible to hold such office, or
- (b) deal with that Officer in accordance with sub-rule (4) of this Rule if the Officer has been found guilty by the Committee of:
- misappropriation of funds of the Union;
  - a substantial breach of the Rules of the Union;
  - gross misbehaviour in relation to the office, or
  - gross neglect of duty in the conduct of the office;

The summons to show cause shall:

- (i) state the allegation together with the particulars thereof:
- (ii) disclose the evidence of which the allegation is based:
- (iii) state the time, date and place at which the Officer is to show cause:
- (iv) be delivered personally to the Officer concerned (or posted by registered mail to the Officers last known address) at least twenty one days before the meeting at which the matter is to be determined;
- (v) have attached to it a copy of this Rule.
- (2) Should any Officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the Committee may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on them.
- (3) The evidence relating to the alleged offence should be heard by the Committee and the Officer concerned shall be heard in defence personally and/or in writing.
- (4) If in the opinion of the Committee the Officer is guilty of the alleged offence it may:

- (a) reprimand the Officer;
  - (b) suspend the Officer for a period not exceeding three months;
  - (c) dismiss the Officer from office.
- (5) The Branch Secretary, or where appropriate the Branch President shall promptly inform the Officer by registered letter of the decision of the Committee. The decision of the Committee shall become effective immediately after it is made.
- (6) If the Committee suspends any Officer from office pursuant to this Rule it shall forthwith appoint a member of the Union eligible to perform the duties of that office for the duration of the suspension.
- (7) No Officer suspended under this Rule shall attend any meeting of the Union unless requested to do so by the relevant meeting.
- (8) Any Officer reprimanded, suspended, fined or dismissed from office pursuant to this Rule shall have a right of appeal to a meeting of the Executive provided that the Officer lodges a written appeal within twenty-eight days of the decision against which the appeal is made.

## **72. GENERAL MEETINGS OF BRANCH**

- (1) General Meetings of a Branch shall be held, at such time and place, as the Committee of Management of the Branch may determine from time to time: Provided that a meeting shall be held in the month of November or December in each and every year, and such meeting shall be the Annual General Meeting: Provided further that a meeting of a Branch shall be held upon petition signed by not less than five hundred financial members or half the financial members of the Branch, whichever is the less, and lodged with the Branch Secretary.
- (2) A Branch Secretary shall, at least twenty-eight days prior to each General Meeting, by Notice publicise the date, time and place of the forthcoming General Meeting and seeking agenda items and/or notices of motion, which must be notified to the Branch Secretary, in writing at least fourteen days prior to the meeting.
- (3) A Branch Secretary shall at least seven days prior to each general meeting by notice publicise the agenda and notices of motion if any.
- (4) At a meeting of a Branch a quorum shall be five and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of a Branch the meeting shall lapse.
- (5) Proxies are not permitted at general meetings.
- (6) In the event of the Branch President and the Branch Vice-President being absent from a meeting of a Branch, then the members present shall elect a Chairperson of the meeting.
- (7) The Branch shall not be liable for any expenses or loss of earnings incurred by a member of the Branch, other than Committee of Management members, in their

attendance at an Annual General Meeting of a Branch.

**73. BRANCH COMMITTEE OF MANAGEMENT**

- (1) Meetings of the Committee of Management of a Branch shall be held at such time and place as the Committee of Management may determine from time to time: Provided that it shall not meet less frequently than quarterly. The Branch Secretary may summon a meeting of the Committee of Management of the Branch at any time, and shall do so whenever so directed by the Branch President.
- (2) At a meeting of the Committee of Management of a Branch a quorum shall be five, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Committee of Management the meeting shall lapse.
- (3) In the event of the Branch President and Branch Vice-President being absent from a meeting of the Committee of Management of a Branch, then the members present shall elect a Chairperson of the meeting.

**74. ANNUAL RETURNS OF BRANCH**

- (1) In the month of February and July in each and every year a Branch Secretary shall compile a statement showing -
  - (a) the income and expenditure of the Branch for the financial year last past;
  - (b) the whereabouts of the funds and property (real and personal) of the Union in the hands of the Branch;

as at 31 December and 30 June past, and shall within the same months forward a statement thereof certified as correct to the General Secretary.

- (2) If a Branch Secretary fails to forward to the General Secretary the aforesaid copy within the said month, and thereafter fails to do so for a further fourteen days after being directed by the General Secretary to forward such statement, the Executive may suspend the Branch and the members attached thereto from all the benefits of membership until the said statement is forwarded to the General Secretary.

**75. BRANCH AFFILIATION**

- (1) A Branch may affiliate with a body established for the protection and promotion of the cause of Tabor in the sphere of the Branch by decision of the Committee of Management of the Branch and upon such terms and in such manner as the Committee of Management by its decision prescribes, provided that no such affiliation shall be of any force or effect unless and until approved by the Executive.
- (2) Where the terms of any such affiliation is that the Branch shall have delegates to represent it upon the body with which it affiliates, and such delegates are to be chosen or elected (and not appointed), any necessary election of delegates shall be filled in the same manner as the election for the Committee of Management of the Branch.

**76. BRANCH BY-LAWS**

The Committee of Management of a Branch may from time to time make any by-laws necessary or convenient for achieving the objects of the Union and generally for carrying into effect these Rules: Provided no by-law may be made which is inconsistent with these Rules: Provided further no by-law shall be of any force or effect unless and until approved by the Executive.

**77. INSPECTION OF BRANCH BOOKS**

A member of the Union, upon personal application to a Branch Secretary, may inspect at a reasonable time the books and Branch Register of Members in the custody of the Branch Secretary.

**78. DELETED**

***End of Rules***