



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

Local Government, Racing and Cemeteries Employees Union (R2024/85)

CHRIS ENRIGHT

MELBOURNE, 20 JUNE 2024

Alteration of other rules of organisation.

[1] On 17 June 2024 the Local Government, Racing and Cemeteries Employees Union (LGRCEU) lodged with the Fair Work Commission (the Commission) a notice and declaration setting out particulars of alterations to its rules. Further information in support of the alterations was received on 17 and 19 June 2024.

[2] The LGRCEU seeks certification of the alterations under section 159 of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] Currently the LGRCEU rules are divided into two sections and a fourth part. The first section sets out the federal rules and the second section sets out rules relating to the Western Australian Division (WA Division). The fourth part sets out disclosure and reporting obligations.

[4] The particulars of the alterations:

- Delete all of the rules in the first section of the rulebook, except rules 3, 4, 30-32, 41 and 41B;
- Move rules 3 and 4 from the first to the second section of the rulebook;
- Move rule 41 from the first to the second section of the rulebook and renumber as rule 50;
- Alter rules 30, 31, 32 and 41B in the first section of the rulebook, move them to the second section and renumber as rules 55, 52, 53 and 51 respectively;
- Delete rules 3, 25 and 47 from the second section of the rulebook;
- Insert new rules 31, 54, 56 and 58 in the second section of the rulebook;
- Alter rules 1-2, 4-6, 8-24 and 26-46 in the second section of the rulebook;
- Change the heading of rule 7 (renumbered rule 8) in the second section of the rulebook;
- Renumber the rules in the second section from rule 4 onwards;
- Delete all of the rules in the fourth part of the rulebook, except rule 1; and
- Alter rule 1 in the fourth part of the rulebook, move it to the second section of the rulebook and renumber as rule 57(1).

[5] On the information contained in the notice, declaration and information provided, I am satisfied the alterations have been made under the rules of the organisation.

The alterations

[6] In summary, the alterations:

- Abolish the WA Division of the LGRCEU;
- Change the union structure to largely replicate the current WA Division structure and the structure of the State Counterpart Union, a union registered under the *Industrial Relations Act 1979* (WA) which has the same membership as the LGRCEU;
- Set out provisions enabling the transition to the new structure, including the requirement for an election for all offices in 2024;
- Establish meeting procedures for the newly established Union Conference which enable electronic and in-person meetings;
- Provide for a four-year term of office for all offices;
- Clarify the procedures for the election of office holders, including setting out the system for voting;
- Reduce the eligibility requirements to run for office, for example only requiring one year continuous membership to run for the office of Union Secretary instead of two years;
- Enable dual membership with the State Counterpart Union;
- Enable its financial affairs to be encompassed by the State Counterpart Union;
- Enable five percent of the membership of the LGRCEU to call for a special meeting of members for the purpose of considering the full financial report;
- Modify the powers and duties of committees and office holders including, for example, removing the ability to fine members;
- Ensure that retired life members are not able to vote, nominate or run for office;
- Enable members in General Meeting to review decisions of Union Conference and Union Executive instead of by plebiscite;
- Delete rules relating to officer and related party disclosures;
- Update a number of rules to ensure they comply with the Act and are not otherwise contrary to law;
- Modernise some rules, for example remove references to cheques and bank passbooks;
- Remove inconsistencies within the rules and clarify the meaning of some rules;
- Remove gender specific language; and
- Update references to legislation, the Commission and cross-references to other rule numbers.

[7] Many of the alterations go to modernising, updating and correcting the rules. However, a significant portion go to changing its structure, including changing its governing committees and financial arrangements.

[8] In 2023 the LGRCEU approached the Commission advising that it was aiming to change its rules so that it would have one level of governance instead of a dual Federal/Division structure. It also advised that it has a close operational relationship with its State Counterpart Union and that it was aiming to change its rules to enable dual membership of the two entities. The LGRCEU also advised that it sought to alter its rules so that its financial affairs could be encompassed by the State Counterpart Union. To that end it aims to have a governing structure which is the same as its State Counterpart Union.

[9] Consequently, staff of the Commission engaged in a lengthy process of providing advice and assistance to the LGRCEU regarding several iterations of complex draft alterations. The proposed alterations before me are the outcome of that process.

Abolition of the WA Division

[10] The LGRCEU has only one Division, the WA Division. The alterations abolish this Division. They do this by altering most rules in the second section of the rulebook so that they refer to the federal body (the Union) instead of referring to the WA Division. For example, the heading of rule 1 in the second section is changed from “Name of Division” to “Name of Union” and the words “Western Australian Division” are deleted from the rule.

[11] The alterations delete most of the first section, which currently set out the federal rules.

[12] This set of alterations has the effect of abolishing the WA Division resulting in a one-level structure. Another consequence is that all the Division’s offices will be abolished.

[13] An organisation is able to determine its internal structures as it thinks fit, including whether it is comprised of Divisions, provided it complies with the Act.¹ A relevant requirement of the Act is subsection 142(1)(c), which provides that rules must not impose conditions on members or applicants for membership that are oppressive, unreasonable or unjust having regard to, among other things, Parliament’s intentions and the objects of the Act.² When considering whether conditions imposed on members or applicants are oppressive, unreasonable or unjust, regard must be had to:

- the democratic functioning and control of the organisation,
- participation of members in the affairs of the organisation,
- accountability to members, and
- the effective operation and efficient management of the organisation.³

[14] Authorities also suggest that an office can only be abolished if the decision to do so is bona fide,⁴ and does not impose oppressive, unreasonable or unjust conditions on members within the meaning of the Act.⁵

[15] In *Bramich*⁶ the Full Court of the Federal Court considered rules enabling the federal body of a registered organisation to disband branches. The Full Court upheld rules which preserved the ability for affected members to participate in the affairs of the organisation and ensured the continued enjoyment of all the rights and privileges of membership.⁷

[16] In a previous decision relating to alterations to the rules of the LGRCEU⁸ I reviewed its current and historical structure. In summary, the rules currently and historically have provided for two levels of governance which serve an almost identical set of members. Further, the current holders of office in the WA Division currently hold like offices at the Federal level of the LGRCEU.⁹

[17] In these circumstances, streamlining its structure to one level of governance will not diminish opportunities for members to participate in the LGRCEU, nor diminish the democratic functioning of the organisation. I am satisfied that all members will continue to be afforded the opportunity to participate in the LGRCEU’s governance structures and will continue to enjoy the rights and privileges of membership.

[18] I am also of the view that the decision to abolish all offices in the WA Division is bona fide. The abolition of these offices is a result of extensive engagement with staff of the Commission to develop a structure which better meets the requirements of the LGRCEU and significantly reduces its regulatory burden. Further, all office holders in the WA Division are members of the LGRCEU rule altering body (the Union Council). A majority of the Union Council voted in favour of the alterations. This signifies that the majority of the current WA Division office holders support the abolition of their offices and confirms that the decision is bona fide.

[19] In my view, the abolition of the WA Division and its offices is a bona fide decision of the LGRCEU and its abolition does not impose oppressive, unreasonable or unjust conditions on members, having regard to the standards in the Act.

Changes to the governing structure of the LGRCEU

[20] The alterations provide for a new governing structure such that the existing Union Council will be abolished (proposed rule 58), a Union Conference will be created (proposed rule 23), and the Union Executive will be differently constituted (proposed rule 25). The proposed governing structure largely mirrors that of the WA Division (see current section 2 of the rulebook) and the State Counterpart Union. The proposed alterations also reduce the number of Union Vice-Presidents from four to one (proposed rules 25(1) and 29).

[21] The current Union Council is composed of representatives of the Divisions (current rule 13 in the first section of the rulebook). There being only one Division, currently all Union Councillors are representatives of the WA Division.¹⁰ The proposed Union Conference will be comprised of the Union Executive plus delegates from each of three geographical zones (proposed rules 8 and 23).

[22] Current rule 16 of section one sets out the constitution of the Union Executive, that being the Union President, the four Union Vice-Presidents, the Union Treasurer, and the Union Secretary. Currently three of the four Vice-President offices are vacant¹¹ and therefore only one Vice-President currently sits on Union Executive. The proposed alterations provide that, in addition to its current membership, the two Union Trustees, the Union Assistant Secretary and six Committee Members will also constitute the Union Executive (proposed rule 25(1)).

[23] The transitional rule (proposed rule 58) provides that the existing Union Council continues to exist until the conclusion of the 2024 election and the Union Conference will come into existence at that time. The transitional rule also clarifies that existing Union office holders will continue to hold office until the declaration of the 2024 election, except for the three Union Vice-President offices that are currently vacant.¹² The transitional rule also requires that an election for all offices will be conducted as soon as practicable after certification of these alterations.

[24] The Union Secretary has advised staff of the Commission that the LGRCEU intends to apply to the General Manager of the Commission for a section 269 certificate¹³ stating that its financial affairs are encompassed by those of the State Counterpart Union. One of the requirements for a successful application is that the State Counterpart Union has officers who are substantially the same as the LGRCEU's designated officers for financial reporting. The LGRCEU advise that the proposed governing structure reflects that of the State Counterpart

Union. In these circumstances, it is clear that the adoption of such a structure is a bona fide decision of the Union Council.

[25] As stated above, an organisation is able to determine its internal structures as it thinks fit, provided it complies with the Act. In my view, the proposed governing structure does not impose oppressive, unreasonable or unjust conditions on members, having regard to the standards in the Act. To the contrary it ensures democratic functioning and enables members to participate in its affairs. It also provides for efficient management by streamlining its governance structures and by providing for an opportunity for streamlining the management of its financial affairs.

Truncation of terms of office

[26] The current and proposed rules provide for a four-year term of office for the Union Secretary and Assistant Secretary (current rules 21(2) and 21A(1)(a) and proposed rule 26(1)). The proposed transitional arrangements truncate the current term of office of the Union Secretary and Assistant Secretary by twelve months (proposed rule 58(7)) and requires an election for these offices to be held in 2024 (proposed rule 58(3)).

[27] In *Higgins*¹⁴ the Full Court of the former Commonwealth Industrial Court held that there was a “necessary implication” that an existing officer continues to hold office until the expiration of their term of office fixed by the rules that were in force at the time of their election. This is based on the presumption against retrospective application of alterations to rules. As Joske J stated in *Beeson*:¹⁵

“In any event, in my view there is a prima facie principle of construction that unless it appears expressly or by implication in rules as amended that they are intended in their amended form to apply to past matters or events, including matters commenced before but not completed at the time of the amendment, the amendments do not apply to the past or uncompleted matters.”¹⁶

[28] First principles, as set out in *Higgins* and *Beeson*, suggest that the Union Secretary and Assistant Secretary of the LGRCEU are entitled to hold their offices until their current terms expire, that being until 2025.¹⁷

[29] However, this presumption can be rebutted. As stated by Gray J in *Re Mellor*:¹⁸

“The presumption against retrospectivity may be overcome by clear words, or may be held not to apply in the absence of harsh effects or interference with vested interests or accrued rights....”¹⁹

[30] In the matter before me, proposed rule 58 clearly states that the terms of office for the Union Secretary and Assistant Secretary will be truncated. Further, there is nothing before me which suggests that truncating these terms will result in harsh effects, nor interfere with vested interests. To the contrary, the alterations seek to simplify the election procedures so that the election of all offices occurs at the same time every four years.

Election rules

[31] The alterations set out rules for the conduct of elections for office holders (proposed rule 26). The proposed rule remedies a number of gaps in the current rules regarding the conduct of elections, including explicitly setting out the system for voting, that being first-past-the post (proposed rule 26(3)(f)). The proposed rule also brings all the rules regarding the conduct of elections together under one rule, ensuring greater clarity for the conduct of elections.

[32] Section 143 of the Act sets out a number of matters relating to elections for office that must be in the rules of registered organisations.²⁰ I am satisfied that the proposed rules regarding the election of office holders in the LGRCEU meet these requirements.

Entitlement to dual membership

[33] The alterations to rule 11 (proposed rule 12), enable applicants for membership to apply to join both the LGRCEU and its State Counterpart Union as long as they are eligible to join both entities. In such a case, the applicant is only required to pay entrance fees and subscriptions to the State Counterpart Union and if they do so, are deemed to be a financial member of the LGRCEU.

[34] The alterations to rule 16 (proposed rule 18) provide that payment of membership fees to the State Counterpart Union constitutes payment to the LGRCEU. The proposed rule includes a savings provision, such that if the State Counterpart Union reneges on arrangements with the LGRCEU, the member retains their financial status until the end of the relevant financial year, but in following years they are liable for payment of membership fees directly to the LGRCEU.

[35] Consequential amendments are made to other rules, such as changes to rules regarding arrears of fees (proposed rule 19).

[36] If the LGRCEU were to enlist members who are not members of the State Counterpart Union, a question arises as to whether rules which relieve some members from paying subscriptions places oppressive, unreasonable or unjust conditions on members who are not so relieved. I rely on the Full Court of the Federal Court in *CEPU*²¹ to conclude that they would not.

[37] In *CEPU* the Full Court of the Federal Court found that payment of subscriptions to a state registered union operated as a discharge of the member's liability, not as an exemption. As stated by Keane CJ and Buchanan J (with whom Dowsett J concurred in this respect):

“The fact that a single payment operates to secure membership of both [the Branch of the federally registered organisation] and [the state registered union] does not impose a condition, obligation or restriction on [other] members...

...

a person is not oppressed or treated unjustly merely by reason of the circumstance that other persons are treated benevolently.”²²

Alterations which facilitate an arrangement such that the financial affairs of the LGRCEU can be encompassed by its State Counterpart Union

[38] The alterations to rule 8 (proposed rule 9) enable the LGRCEU to enter into an arrangement with its State Counterpart Union for the management, use and control of funds, including but not limited to membership fees or other income. Consequential alterations are made to other rules, including removing objects such as investing funds, acquiring freehold and enforcing payment of fees (proposed rule 5).

[39] As stated above, the LGRCEU intends to apply to the General Manager of the Commission for a section 269 certificate stating that its financial affairs are encompassed by those of the State Counterpart Union. This set of alterations, together with the alterations which enable payment of membership fees to the State Counterpart Union, go towards enabling an arrangement whereby the LGRCEU's financial affairs can be encompassed by the State Counterpart Union.

[40] A question arises as to whether this group of alterations will endanger the LGRCEU's financial viability. The standards set out in the Act for registered organisations include the ability to operate effectively.²³ It is unlikely that the LGRCEU will derive income from subscriptions. It is possible that the LGRCEU may become incapable of operating effectively if the State Counterpart Union were to renege on an agreed arrangement.

[41] However, as stated above, the savings provision in proposed rule 18(7) provides for payment of subscriptions directly to the LGRCEU if the State Counterpart Union were to renege on any such arrangement. In these circumstances it is unlikely that the LGRCEU would be unable to operate effectively.

[42] This set of alterations must also be read in the context of section 269 of the Act²⁴, which clearly validates such arrangements. Section 269 enables enabling the General Manager of the Commission to issue certificates stating that the financial affairs of a reporting unit are encompassed by an associated state body on the conditions that certain criteria are met.

[43] Consequently, I cannot conclude that this set of alterations impose oppressive, unreasonable or unjust conditions on members having regard to the standards imposed by the Act, including the ability to operate effectively.

Officer and related party disclosure requirements

[44] The deletion of the fourth part of the rulebook (with the exception of rule 1) removes disclosure and reporting obligations of the LGRCEU and its officers. These types of obligations are now specifically prescribed in Part 2A of Chapter 9 of the Act. The deletion of these rules removes inconsistencies between the obligations set out in the rules and the requirements of the Act.

Policy relating to expenditure of the organisation

[45] Rule 1 in the fourth part of the rulebook has been altered, moved to the second section of the rulebook and renumbered as rule 57(1). Currently rule 1 of the fourth part makes provision as required by subsection 141(1)(ca) of the Act²⁵ which stipulates that rules must

require the organisation to develop and implement policies relating to the expenditure of the organisation.

[46] The alteration to this rule requires the LGRCEU to maintain and implement policy in relation to, among other things, expenditure but removes the requirement to develop such policy.

[47] While I appreciate that the LGRCEU has already developed such policy, and that it makes practical sense for its rules to require it to maintain the policy already developed, the alteration does not comply with the requirements of subsection 141(1)(ca) of the Act. Consequently, the alteration is not capable of certification. I therefore need to consider whether the alteration to this rule can be severed from the remaining alterations.

Severability

[48] I have considered the principles set out by the majority in *Re Food Preservers' Union of Australia*²⁶, and I am satisfied that all other alterations, and the decision to move rule 1 of the fourth part to the second section of the rulebook and renumber as rule 57, operate independently of the alteration that removes the requirement to develop policy regarding expenditure. The alteration that removes this requirement differs to and is distinct from the remaining alterations. In my view severance of this alteration will not affect the meaning and effect of the remaining alterations.

Remaining alterations

[49] The remaining alterations are not controversial; many are minor and technical in nature. They do not require comment beyond expressing my opinion about the matters set out in subsection 159(1) of the Act²⁷. I do so below.

[50] In my opinion, with the exception of the alteration to rule 1 of the fourth part, the alterations comply with and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements, are not otherwise contrary to law and were made under the rules of the organisation. I certify accordingly under subsection 159(1) of the Act.



DELEGATE OF THE GENERAL MANAGER

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¹ *Imlach v Daley* (1985) 7 FCR 457 at 462

² Subsection 142(1)(c) provides that rules of an organisation:

must not impose on applicants for membership, or members, of the organisation, conditions, obligations or restrictions that, having regard to Parliament's intention in enacting this Act (see section 5) and the objects of this Act and the Fair Work Act, are oppressive, unreasonable or unjust

³ Paragraph 5(3) of the Act sets out the following standards for registered organisations:

- (a) ensure that employer and employee organisations registered under this Act are representative of and accountable to their members, and are able to operate effectively; and
- (b) encourage members to participate in the affairs of organisations to which they belong; and
- (c) encourage the efficient management of organisations and high standards of accountability of organisations to their members; and
- (d) provide for the democratic functioning and control of organisations; and
- (e) facilitate the registration of a diverse range of employer and employee organisations

⁴ *Saint v Australian Postal and Telecommunications Union* (1977) 30 FLR 385 at 393

⁵ *Roughan v Australasian Meat Industry Employees' Union* (1992) 36 FCR 536 at 539-541

⁶ *Bramich v TWU* (2000) 97 FCR 204

⁷ *Ibid.*, at [31]

⁸ *Local Government, Racing and Cemeteries Employees Union* [2024] FWCD 1029

⁹ See the LGRCEU's Annual Returns of Information published on the Commission's website: [Local Government, Racing and Cemeteries Employees Union \(LGRCEU\) - Find a registered organisation - Fair Work Commission \(fwc.gov.au\)](https://www.fwc.gov.au/local-government-racing-and-cemeteries-employees-union-lgrceu-find-a-registered-organisation)

¹⁰ *Ibid*

¹¹ *Ibid*

¹² *Ibid*

¹³ Section 269 provides as follows:

- (1) This section applies to a reporting unit if there is an industrial association (the *associated State body*) that:
 - (a) is registered or recognised as such an association (however described) under a prescribed State Act; and
 - (b) is, or purports to be, composed of substantially the same members as the reporting unit; and
 - (c) has, or purports to have, officers who are substantially the same as designated officers in relation to the reporting unit.
- (2) A reporting unit is taken to have satisfied this Part if this section applies to the reporting unit and:
 - (a) the General Manager, on the application of the reporting unit, issues a certificate stating that the financial affairs of the reporting unit are encompassed by the financial affairs of the associated State body; and
 - (b) the associated State body has, in accordance with prescribed State legislation, prepared accounts, had those accounts audited, provided a copy of the audited accounts to its members and lodged the audited accounts with the relevant State authority; and
 - (c) the reporting unit has lodged a copy of the audited accounts with the FWC; and
 - (d) any members of the reporting unit who are not also members of the associated State body have been provided with copies of the accounts at substantially the same time as the members of the reporting unit who are members of the associated State body; and
 - (e) a report under section 254 has been prepared in respect of the activities of the reporting unit and has been provided to members of the reporting unit with the copies of the accounts.

¹⁴ *Higgins v McGrane & Anor* (1961) 5 FLR 82 at 85

¹⁵ *Beeson v Blayney* (1966) 8 FLR 292

¹⁶ *Ibid.*, at 294

¹⁷ See the declaration of election results in E2021/106, published on the Commission's website: [Local Government, Racing and Cemeteries Employees Union \(LGRCEU\) - Find a registered organisation - Fair Work Commission \(fwc.gov.au\)](https://www.fwc.gov.au/local-government-racing-and-cemeteries-employees-union-lgrceu-find-a-registered-organisation)

¹⁸ *Re Mellor; Re Federated Liquor and Allied Industries Employees Union of Australia* (1987) 18 IR 350

¹⁹ *Ibid.*, at 353

²⁰ Section 143 of the Act provides:

- (1) The rules of an organisation:
 - (a) must provide for the election of the holder of each office in the organisation by:
 - (i) a direct voting system; or
 - (ii) a collegiate electoral system that, in the case of a full-time office, is a one-tier collegiate electoral system; and

- (b) must provide for the conduct of every such election (including the acceptance or rejection of nominations) by a returning officer who is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation; and
 - (c) must provide that, if the returning officer conducting an election finds a nomination to be defective, the returning officer must, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within such period as is applicable under the rules, which must, where practicable, be not less than 7 days after the person is notified; and
 - (d) must make provision for:
 - (i) the manner in which persons may become candidates for election; and
 - (ii) the duties of returning officers; and
 - (iii) the declaration of the result of an election; and
 - (e) must provide that, where a ballot is required, it must be a secret ballot, and must make provision for:
 - (i) in relation to a direct voting system ballot (including a direct voting system ballot that is a stage of an election under a collegiate electoral system)—the day on which the roll of voters for the ballot is to be closed; and
 - (ii) absent voting and
 - (iii) the conduct of the ballot; and
 - (iv) the appointment, conduct and duties of scrutineers to represent the candidates at the ballot; and
 - (f) must be such as to ensure, as far as practicable, that no irregularities can occur in relation to an election.
- (2) Without limiting section 142, the rules of an organisation relating to elections may provide for compulsory voting.
- (3) The day provided for in the rules of an organisation as the day on which the roll of voters is to be closed (see paragraph (1)(e)) must be a day no earlier than 30 days, and no later than 7 days, before the day on which nominations for the election open.
- (4) A reference in this section to the rules of an organisation includes a reference to the rules of a branch of the organisation.
- (5) The reference in paragraph (1)(c) to a nomination being defective does not include a reference to a nomination of a person that is defective because the person is not qualified to hold the office to which the nomination relates.
- (6) The rules providing for the day on which the roll of voters for a ballot is to be closed are not to be taken to prevent the correction of errors in the roll after that day.

²¹ *CEPU v Gray* (2012) 207 FCR 548

²² *Ibid.*, at 557

²³ See endnote 3, above, which sets out the standards for registered organisations

²⁴ See endnote 13 above for full citation of section 269

²⁵ Subsection 141(1)(ca) provides that the rules of an organisation must:

- (ca) must require the organisation and each of its branches to develop and implement policies relating to the expenditure of the organisation or the branch (as the case may be)

²⁶ *Re Food Preservers' Union of Australia* (1988) 79 ALR 13

²⁷ Subsection 159(1) of the Act provides:

- (1) An alteration of the rules (other than the eligibility rules) of an organisation does not take effect unless particulars of the alteration have been lodged with the FWC and the General Manager has certified that, in his or her opinion, the alteration:
 - (a) complies with, and is not contrary to, this Act, the Fair Work Act, modern awards and enterprise agreements; and
 - (b) is not otherwise contrary to law; and
 - (c) has been made under the rules of the organisation.

DECLARATION OF AUTHORISED OFFICER in accordance
with Regulation 126 *Fair Work (Registered Organisations)*
Regulations 2009

ALTERATION OF OTHER RULES OF ORGANISATIONS in
accordance with section 159 of the *Fair Work (Registered*
Organisations) Act 2009)

I, [ANDREW JOHNSON] of [REDACTED]
[REDACTED] am the [FEDERAL SECRETARY] of the [LOCAL GOVERNMENT, RACING
AND CEMETERIES EMPLOYEES UNION] and am authorised to give this notice of particulars
of alterations to the rules of [LOCAL GOVERNMENT, RACING AND CEMETERIES
EMPLOYEES UNION] and to make this declaration as required by Regulation 126 of the *Fair*
Work (Registered Organisations) Regulations 2009.

I declare that the alterations were made in accordance with the rules of the [LOCAL
GOVERNMENT RACING AND CEMETERIES EMPLOYEES UNION].

The particulars of the rule alterations are attached to this declaration and labelled
"Schedule 1 RULE CHANGES JUNE 17, 2024".

The actions taken under the rules to make these alterations were as follows:

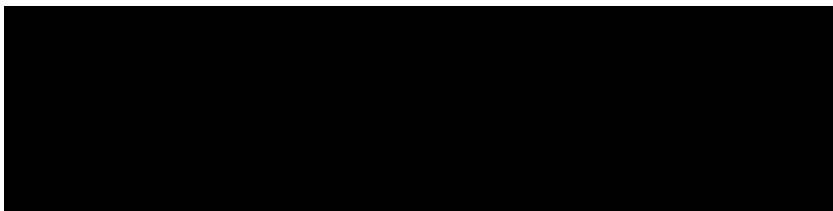
- (a) [Include list of actions as steps taken, in chronological order. The contents of this list
will change depending upon the rules of the organisation, for example:]
- A Union council meeting was held June 17, 2024, In accordance with Rule
26 of Part 1 Union General Rules, a Notice of Meeting of the Council,
Agenda Papers and Notice of Motions was communicated to all members of
the Union Council on the 6th of May 2024.
 - The Notices of Motion, and Agenda Papers communicated to Union
Councillors contained the information of specific proposed rules changes as

set out and described as "Schedule 1 RULE CHANGES JUNE 17 2024" that accompanies this declaration.

- The said meeting was held on the 17th of June 2024.
- The said meeting was quorate in accordance with Rule 26 of Part 1 Union General Rules as seven (7) out of the currently ten (10) elected councillors and office holders were present at the meeting 17th June 2024.
- The proposed rule changes as set out in "Schedule 1" were passed in the affirmative by a majority of the Union Councillors present at the meeting conducted on the 17th of June 2024, as were further enabling motions to effect the proposed rule changes.
- Rule 40 of Part 1 of the Union General Rules is the enabling rule relied upon by the Union Council to make these rule changes.
- In accordance with Rule 32 of the PART ONE- UNION GENERAL RULES, I am the authorised officer with respect to this declaration and consequent application.

A notice that these alterations have been lodged with the Fair Work Commission was published on the Union's website Tuesday, June 17th, 2024.

I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within **35 days** of the changes being transacted by the organisation. It must be accompanied by the 'particulars', which are the details of the rule changes. It can be submitted to ros@fwc.gov.au. If the organisation has a website, a notice must be put up on the website that this application has been lodged with the Fair Work Commission and this should be mentioned in the email.]*

SCHEDULE 1: PART A- THE RULES CHANGES

Local Government, Racing and Cemeteries Employees Union

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

~~that the pages herein numbered 1 to 57 both inclusive contain a true and correct copy
of the registered rules of the Local Government, Racing and Cemeteries Employees Union.~~

~~DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION~~

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PART ONE - UNION GENERAL RULES

~~1 - NAME OF THE UNION~~

~~The name of the Union shall be the Local Government, Racing and Cemeteries Employees Union.~~

~~2 - DEFINITIONS AND INTERPRETATION~~

~~(1) 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:~~

~~“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.~~

~~“Conference” means the supreme government of a Division.~~

~~“Date of commencement of these Rules” means the date of registration of these Rules under the Workplace Relations Act 1996.~~

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

~~“declared person or body” A person is a declared person or body if:~~

~~— (i) — an officer of the *union/division* has disclosed a material personal interest under [RULE 3 OF PART 4]; and~~

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

~~— (iii) — the officer has not notified the *union/division* that the officer no longer has the interest.~~

~~“Division” means Division of the Union constituted by or pursuant to these Rules.~~

~~“Division Executive” means Executive of a Division. “the Union.”~~

~~“Division Secretary” means Secretary of a Division. “the Union.”~~

~~“Extraordinary vacancy” means vacancy occurring in any office, seat or position after an election or an appointment thereto and before the expiration of the period for which the person who has last vacated the office, seat or position, in any manner whatsoever, was elected or appointed.~~

~~“financial duties” includes duties that relate to the financial management of the union or a division of the union.~~

~~“General Manager” means the General Manager of Fair Work Commission.~~

~~“non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.~~

~~“peak council” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.~~

~~“office” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*~~

~~“officer” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*~~

~~“related party” has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.~~

~~“relative” in relation to a person, means:~~

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

~~— (ii) — the spouse of the first mentioned person.~~

~~“relevant remuneration” in relation to an officer of the *union/division* for a disclosure period is the sum of the following:~~

~~— (i) — any remuneration disclosed to the *union/division* by the officer under [RULE 2 OF PART FOUR] during the disclosure period;~~

~~— (ii) — any remuneration paid during the disclosure period, to the officer of the *union/division*;~~

~~“relevant non-cash benefits” in relation to an officer of the *union/division* for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the *union/division* or by a related party of the *union/division*.~~

~~“remuneration”~~

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

~~— (ii) — does not include a non-cash benefit; and~~

~~— (iii) — does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.~~

~~“Union Council” means the Union Council of the Union.~~

~~“Union Councillor” means representative of a Division to the Union Council elected or appointed pursuant to these Rules.~~

~~“Union Executive” means Union Executive of the Union.~~

~~“Union Secretary” means Union Secretary of the Union.~~

~~“Union” shall mean the Local Government, Racing and Cemeteries Employees Union.~~

~~“Financial member” means a member not deemed unfinancial pursuant to Rule 57 of these Rules.~~

~~“Financial year” means the calendar year, 1st day of July to 30th day of June next following.~~

~~“Industry” means the industry in connexion with which the Union is formed.~~

~~“Life member” means member upon whom life membership of the Union has been conferred pursuant to these Rules.~~

~~“Member” means member of the Union.~~

~~“Membership” means membership of the Union.~~

~~“Office” means:~~

~~(a) —the office of president, vice president, secretary, **assistant secretary**, treasurer or other executive officer by whatever name called, of the Union or a Division of the Union;~~

~~(b) —the office of a person holding, whether as trustee or otherwise, property of the Union or a Division of the Union in which the Union or a Division of the Union has any beneficial interest; and~~

~~(c) every office within the Union or a Division of the Union for the filling of which an election is conducted within the Union or a Division of the Union.~~

~~“Officer of the Union” or “Officer of the Division” means a member of the Union holding “Office” as defined in this Rule.~~

~~“Organization” means an organization registered under the Workplace Relations Act 1996.
“Fair work (Registered Organisations) Act 2009.”~~

~~“Seat” means the position of a Union Councillor on the Union Council as representative of a Division, or the position on a Division Executive of a member of the Division Executive.~~

~~“These Rules” mean the Rules of the Union as they exist from time to time.~~

~~(2) 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—INDUSTRY~~

~~The industry of operations conducted by Municipal County and Shire Councils and Local Government Bodies and of the operation of public and quasi public undertakings by electric, gas, water, sewerage and road making trusts, boards, commissions and corporations (not formed or constituted for the purpose of private gain) and similar bodies.~~

~~4—ELIGIBILITY FOR MEMBERSHIP~~

~~The Union shall consist of an unlimited number of bona fide employees, other than officers or inside clerical workers, in the State of Western Australia employed by Municipal County and Shire Councils or other Local Government Authorities or Trusts, Municipal Trusts Water Supply and/or Sewerage Boards or Trusts, Road Boards and other Boards, Corporations, Commissions or Trusts, carrying out or entrusted with the carrying out of works operations or functions similar to those usually or generally performed by Municipal or Shire Councils or other Local Government Authorities before the appointment of such Boards, Corporations, Commissions or Trusts and of employees to contractors to any of such Councils, Authorities, Boards, Corporations, Commissions or Trusts and of such other persons whether employed in the relevant industry or not as have been or are hereafter appointed officers of the Union and admitted as members thereof; And the Union shall also consist of persons in the State of Western Australia other than officers or inside clerical workers, who are employed or usually employed in or in connection with health boards, the board or governing body of any park, reserve or racecourse, cemetery boards or any person acting for, under, or on behalf of any of such boards or bodies; And that the said Union shall not admit as members employees engaged on new construction work in connection with services which have not passed to the authority which on the completion of such construction work is responsible for the provision and maintenance of those services.~~

~~5—PURPOSES OF UNION~~

~~The purposes for which the Union is formed are:~~

- ~~(a) —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:~~

- ~~(i) — 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;~~
- ~~(ii) — to protect the interests of the industry;~~
- ~~(iii) — to promote industrial peace by all means of conciliation and arbitration;~~
- ~~(iv) — to prevent lockouts and strikes between employers and members;~~
- ~~(v) — to secure redress for any grievances to which members or any of them may become subject; and~~
- ~~(vi) — to secure preference of employment for members.~~

- ~~(b) — 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.~~

- ~~(c) — To relieve financial distress of members or near relatives of deceased members in cases of need, and for that purpose to establish a Provident Fund.~~

- ~~(d) — To provide funds for the conduct of legal and other proceedings:
 - ~~(i) — to enforce payment of entrance fees, subscriptions, fines and levies payable or believed to be payable to the Union;~~
 - ~~(ii) — to obtain awards and industrial or other agreements, and the variation, extension or termination thereof;~~
 - ~~(iii) — 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;~~~~

- ~~(iv) — to attain otherwise any of the purposes of the Union.~~
- ~~(e) — to acquire, either as freehold or leasehold or otherwise, real estate for the use of the Union or of a Division.~~
- ~~(f) — To invest funds in securities and projects authorised by law.~~
- ~~(g) — To establish or publish a newspaper, magazine, journal or other publication for the furnishing of information concerning the Union or a Division and matters of interest generally to members.~~
- ~~(h) — 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.~~
- ~~(i) — To assist in any deserving cause of hardship respecting a member or members of another organisation or industrial or other union which cause is officially endorsed by such other organisation or union, if that organisation or union concedes reciprocal rights and privileges to members of the Union.~~
- ~~(j) — To further political objects.~~
- ~~(k) — 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.~~
- ~~(l) — To affiliate with a body established for the protection and promotion of the cause of Labor.~~
- ~~(m) — To amalgamate from time to time with another registered organisation.~~

~~6—REGISTERED OFFICE OF UNION~~

~~The registered Office of the Union shall be Unit 209/396 Scarborough Beach Road, OSBORNE PARK WA 6017, or such place the Union Executive shall determine from time to time.~~

~~7—UNION SUING OR BEING SUED~~

~~(1) Subject to sub-rule (3) hereof, the Union Secretary shall have power to sue on behalf of the Union in all matters in which the Union may institute proceedings in law or in equity either pursuant to these Rules or otherwise and he/she shall be capable of being sued on behalf of the Union.~~

~~(2) For the purposes of sub-rule (1) hereof the Union Secretary is hereby invested with all powers and authorities necessary or convenient in that regard.~~

~~(3) Nothing in this Rule shall derogate from the powers, authorities and duties hereinafter conferred by these Rules upon a Division Secretary to sue on behalf of the Union.~~

~~8—DIVISIONS OF UNION~~

~~(1) The Union shall consist of Divisions as follows, namely:~~

~~(a) Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities Water Boards Union, Western Australia Division;~~

~~(b) Such other Division or Divisions as the Union Council may constitute from time to time.~~

~~(2) (a) The Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union, Western Australia Division shall comprise members of the Union for the time being employed within the State of Western Australia.~~

~~(3) The Union Council may constitute from time to time such other Division or Divisions of the Union as it deems fit, and may prescribe the bounds of each Division constituted.~~

~~(4) Notwithstanding any other provisions of these rules, the Union Council shall not resolve to dissolve a Division or to alter the name of and/or the territory prescribed for a Division by and pursuant to these rules unless and until the Union Council has conducted a plebiscite of all the financial members of the Union and obtained an affirmative vote of two thirds of financial members eligible to vote in the plebiscite in favour of any such dissolution or alteration in relation to the Division.~~

~~(5) Nothing in this Rule shall operate so as to render invalid or affect in any way any act, decision or determination of any person committee or council under or pursuant to any Rule of a Division made before the adoption of these Rules.~~

~~9—FUNDS OF THE UNION~~

- ~~(1) The funds of the Union shall consist of entrance fees, subscriptions, levies, fines and other income from any source.~~
- ~~(2) Funds shall be received on behalf of the Union by the Division concerned, and, subject to this Rule, shall be retained by the Division on trust for the Union to be used by the Division in accordance with these Rules and the Rules of the Division.~~
- ~~(3) (a) Each Division shall pay as Union dues an amount per year in respect of each member as may be determined by Union Council from time to time. Such Union dues shall be based on the membership in the preceding year and shall be paid in three equal instalments not later than the last day in each month of March, July and November. The number of members of each Division in respect of which the dues are to be paid is to be arrived at on the following formula, that is to say, the sum of the following:~~
- ~~(i) in the case of subscriptions paid directly to a Division, the yearly total of contributions so received, divided by the annual contribution fee.~~
- ~~(b) In addition to fees in 3(a), each Division shall also forward to Union Council not later than 30th May each year, the amount of affiliation fees or levies payable to the Australian Council of Trade Unions in respect of the membership of that Division.~~
- ~~(c) Each Division shall forward to Union Council not later than 31st March each year, an audited statement showing the calculation of the above Union dues.~~
- ~~(4) Moneys paid to the Union Council pursuant to sub-rule (3) hereof shall upon payment become and be known as Union Funds and shall be used for the purposes of the Union as prescribed by Rule 5 of these Rules, and in necessary expenses of management.~~
- ~~(5) (a) Subject to this Rule Union Funds and all real and personal estate belonging to the Union shall be under the control of the Union Council.~~

~~(b) Union Funds and all personal estate other than securities belonging to the Union shall be in the custody of the Union Council.~~

~~(c) Real estate and securities belonging to the Union shall be vested in the Union Trustees, and shall be held by them in trust for the Union.~~

~~(6) (a) Subject to paragraph (b) hereof Union Funds shall be banked in the Commonwealth Savings Bank of Australia or such other Bank as the Executive may determine from time to time as a society account in the name of Local Government, Racing and Cemeteries Employees Union Trading Account.~~

~~(7) (a) All cheques drawn on the Local Government, Racing and Cemeteries Employees Union Trading Account, shall be signed by the Union Treasurer, and shall be countersigned by the Union Secretary and Union President: Provided that in case of the absence of any of such persons or of his/her inability to sign cheques the Union Council may appoint a member of the Council to sign in place of the absent or unable person either generally or in a particular case.~~

~~(8) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this organisation or any Division thereof as the case may be unless the Executive of the Organisation or of the Division, as the case may be:~~

~~(a) has satisfied itself~~

~~(i) that the making of the loan, grant or donation would be in accordance with the other rules of the Union or of the Division as the case may be; and~~

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

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

~~(9) Notwithstanding anything else contained in this Rule the Division Secretary may waive the payment of any entrance fees or subscriptions where the applicant for membership or the member is a financial member or has applied to become a member of another Division of the Union.~~

~~10 AUDIT OF UNION FUNDS~~

~~(1) An Auditor, who is a qualified Accountant and who is not a member of the Union, shall be appointed by the Union Council at the Annual General Meeting of the Union Council in each year and at such other time as becomes necessary.~~

~~(2) Immediately prior to the Annual General Meeting of the Union Council, and at such other time or times as the Union Council 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 Union Council 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 his/her position—~~

~~(a) upon death;~~

~~(b) upon becoming of unsound mind;~~

~~(c) upon receipt by the Union Council of notice in writing of resignation signed by him/her.~~

~~and the Union Council may terminate the services of an Auditor at any time.~~

~~11 UNION SEAL~~

~~(1) The Union shall have a seal or stamp which shall be of such design as the Union Council may determine, and which shall bear the name of the Union.~~

~~(2) The seal or stamp shall remain in the custody of the Union Secretary.~~

~~12 UNION REGISTER OF MEMBERS~~

~~The Union Secretary shall keep at the registered office of the Union a Register of Members arranged according to Divisions.~~

~~13 UNION COUNCIL~~

~~(1) The supreme government of the Union shall be vested in the Union Council.~~

~~(2) (a) The Union Council shall consist of representatives of the Division of the Union, and the number of representatives of each Division shall be determined as follows, namely, each Division shall be entitled to up to five representative for up to the first three hundred members; up to three additional representative for over three hundred members and up to six hundred members; up to three additional representative for over six hundred members and up to two thousand five hundred members; one additional representative for over two thousand five hundred members and up to five thousand members; one additional representative for over five thousand members and up to seven thousand five hundred members; one additional representative for over seven thousand five hundred members and up to ten thousand members; and one additional representative for each five thousand members or part thereof over ten thousand members.~~

~~(b) the number of representatives of the divisions shall be determined by reference to the number of those members of the respective divisions financial as at the 31st December in the year preceding the quadrennial elections of representatives to the Union Council.~~

~~(3) (a) In addition to powers elsewhere conferred on it by these Rules the Union Council 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 Conference or on a Division Executive and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the purposes of the Union.~~

~~(b) The Union Council may exercise any power conferred on it by these Rules notwithstanding that Conference or a Division Executive has exercised alike power in~~

~~the same matter, and where a decision of the Union Council is inconsistent with a decision of Conference or a Division Executive the decision of the Union Council shall prevail.~~

~~14 – ELECTION OF UNION COUNCIL~~

- ~~(1) (a) A member shall not be eligible to be a candidate for election as a representative of a Division to Union Council who has not been a financial member of the Union for a continuous period of two years as at the actual date for closing of nominations.~~
- ~~(b) A member shall not be eligible to be a candidate for election as a representative of a Division to Union Council if there is reasonable ground for believing that:~~

(i) ~~within twelve months prior to the actual opening date of the calling of nominations he/she was a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates, or encourages the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government; or~~

(ii) ~~the member advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government.~~

(e) ~~A member shall not be eligible to be or continue to be a representative of a Division to Union Council if there is reasonable ground for believing that:~~

(i) ~~he/she is a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government; or~~

(ii) ~~the member advocates or encourages, or has, within twelve months prior to the date of his/her election, advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government.~~

(2) (a) ~~A Division Secretary shall be a representative of the Division to Union Council.~~

(b) ~~The remaining representatives of a Division to Union Council shall be elected by the Division at the same time as the Division Elections are held and in the same manner and Rule 64 shall apply, mutatis mutandis, to the election of these representatives to Union Council.~~

- (3) ~~Upon election a representative of a Division to Union Council shall be a Union Councillor and, subject to Rules 24 and 25 of these Rules, shall hold office until a successor is elected or appointed.~~
- (4) ~~Representatives to Union Council elected under these Rules shall also be the Division representatives to the Bi Annual Congress of the Australian Council of Trade Unions subject to the provision for a multiple system of voting.~~
- (5) ~~If any Union Councillor is unable through illness, absence or any other cause to attend any meeting of Union Council or to participate in writing or by postal communication pursuant to Rule 28(1), the Secretary of the Division represented by that Councillor, may by appointment in writing authorise another member of the same Division as an alternate or proxy to attend the meeting or vote (as the case may be), instead of such Councillor.~~

~~15—FILLING EXTRAORDINARY VACANCIES~~

- ~~(1) Where these rules require an extraordinary vacancy in an elected office to be filled in accordance with this rule, such office may be filled by appointment by the Executive of the Division of any member who would be at the date of the appointment have been eligible to be a candidate for election to the said office.~~
- ~~(2) The person so appointed shall hold office for so much of the unexpired part of the term of the office as is specified by the Executive but so as not to exceed:
 - ~~(a) Twelve months; or~~
 - ~~(b) Three quarters of the term of the office, whichever is the greater.~~~~
- ~~(3) Where an extraordinary vacancy is filled by appointment under this rule for less than the unexpired part of the term of the office, an ordinary election as far as practicable in accordance with Rule 64 mutatis mutandis shall therefore be held for the remainder of the unexpired part of the term of office.~~
- ~~(4) “Term” in relation to an office, means the total period for which the last person elected to office by an ordinary election other than an ordinary election to fill an extraordinary vacancy in the office was entitled by virtue of that election to hold the office without being elected.~~

~~16—UNION EXECUTIVE~~

- ~~(1) There shall be a Union Executive which shall consist of the Union President, the Union Vice Presidents, the Union Treasurer and the Union Secretary.~~
- ~~(2) Between meetings of the Union Council the Union Executive shall, subject to these Rules, have all the powers, authorities, functions and duties of the Union Council other than such as are conferred or imposed by Rule 40 of these Rules. Nothing in this sub-rule, however, shall affect in any way the powers conferred by these Rules on any specified officer or officers, nor shall it limit in any way the powers conferred on the Union Council or Union Councillors by Rule 13 hereto.~~

- ~~(3) The Union Executive, or any member of it, shall have the right of entry to, and audience at, any meeting conducted pursuant to these Rules, or the Rules of a Division.~~

~~17 – ELECTION OF UNION EXECUTIVE~~

- ~~(1) At its Annual General Meeting each year the Union Council shall elect from amongst the Union Councillors the Union President, four Union Vice Presidents and the Union Treasurer.~~
- ~~(2) Except for filling of extraordinary vacancies the election of Union President, four Union Vice Presidents and Union Treasurer shall be held at an annual meeting of Union Council which shall appoint a Returning Officer, who shall not be the holder of any other office in the Union, Division of the Union nor an employee of the Union or Division of the Union.~~
- ~~(3) Nominations for the election of Union President shall be dealt with and completed. Then the nominations for and election of the Union Vice Presidents shall be dealt with and completed. Then the nominations for the election of Union Treasurer shall be dealt with and completed. The Returning Officer shall call for nominations at the meeting. Nominations shall be made orally or in writing by any Union Councillor and must be agreed to by the candidate orally or in writing. If there is only one candidate for the office of Union President or Union Treasurer or the number of candidates is equal to or less than the number of offices of Union Vice Presidents to be filled, the Returning Officer shall declare to the Union Council that such candidates are elected. If there is more than one candidate for the office of Union President or that of Union Treasurer, or there are more candidates for Union Vice President than there are such offices to be filled the Returning Officer shall prepare voting papers. The election shall be by secret ballot and any candidate may appoint a scrutineer whose duty it will be to watch the interests of the candidate through all stages of the ballot. Any Union Councillor who will not be present either in person or by proxy at the meeting at which the election is to be held may lodge with the Union Secretary a request for an absent vote together with an address where he/she can receive communications and if any Union Councillor has done so the Returning Officer shall not declare the ballot until he/she has given such Councillor a reasonable opportunity to vote. The Returning Officer shall declare to Union Council the result as soon as the count is completed. In the event of a tie the Returning Officer shall declare the sitting member elected. If no sitting member is a candidate he/she shall draw by lot to resolve the tie.~~

~~18 – UNION EXECUTIVE – VACANCY~~

~~(a) — An extraordinary vacancy occurring in the Union Executive which is simultaneously an extraordinary vacancy in the Union Council shall not be filled until the vacancy in the Union Council has been filled in accordance with Rule 15 of these Rules.~~

~~(b) — After the vacancy in the Union Council has been so filled the vacancy in the Union Executive shall be filled by election by the Union Council from amongst the Union Councillors in the same manner as near as possible as provided in Rule 17(2).~~

~~19 — UNION PRESIDENT~~

~~(1) — The Union President shall:~~

~~(a) — be Chairperson of meetings of the Union Council and of members or of the Union from more than one Division at which he/she 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;~~

~~(e) — sign the minutes of the proceedings of meetings adopted by a meeting at which he/she is present;~~

~~(2) — The Union President shall be paid such honorarium as may be prescribed by the Union Council from time to time.~~

20 – UNION VICE PRESIDENTS

- (1) (a) ~~Each Union Vice President shall assist the Union President in the discharge of the duties of his/her office.~~
- (b) ~~In the absence of the Union President from a meeting of which he/she would, if present, be Chairperson, one of the Union Vice Presidents, as agreed between themselves or as determined by the meeting, 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) ~~Each Union Vice President may be paid such honorarium as may be prescribed by the Union Council from time to time.~~

21 – UNION SECRETARY

- (1) (a) ~~A member shall not be eligible for election as Union Secretary who has not been a financial member of the Union for a continuous period of two years to the actual opening date of the calling of nominations.~~
- (b) ~~A member shall not be eligible for election as Union Secretary if there is reasonable ground for believing that:~~
- (i) ~~within twelve months prior to the actual opening date of the calling of nominations he/she was a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government; or~~
- ~~+~~
- (ii) ~~the member advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government.~~
- (c) ~~A member shall not be eligible to be, or continue to be, Union Secretary if there is reasonable ground for believing that~~

~~(i) he/she is a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government; or~~

~~(ii) the member advocates or encourages, or has, within twelve months prior to the date of his/her election, advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilised country or of organised government.~~

- (2) ~~A Union Secretary shall be elected by a direct voting system each four years by secret postal vote of financial members of the Union and from amongst such members. The provisions of Rule 64 of these Rules in so far as they are applicable shall apply, mutatis mutandis, to any such election.~~
- (3) ~~The first four yearly election in respect of the office of Union Secretary shall be held in 2001.~~
- (4) ~~The Returning Officer for such ballot shall be appointed in accordance with Rule 17 of these Rules.~~
- (5) ~~Where an extraordinary vacancy occurs in the position of Union Secretary and the remainder of the term is less than twelve (12) months Union Council may appoint a Union Councillor to fill such vacancy.~~
- (6) ~~Nominations in writing signed by the candidate and endorsed by at least two financial members must be made at the time and place or in the manner mentioned in the advertisements.~~
- (7) ~~Except as otherwise provided in this Rule such election shall be conducted in the same manner and as near as possible as provided in Rule 17(2) of these Rules; provided that for the purpose of filling an extraordinary vacancy in the position of Union Secretary, a Union Councillor may be elected thereto and upon such election becoming effective the person so elected, shall be deemed to have vacated his/her seat as Union Councillor and in respect thereof shall be an extraordinary vacancy on the Union Council.~~
- (8) ~~The Union shall publish the Returning Officer's return on the Union's Website and/or by such other approved method directed by the Council.~~
- (9) ~~The Union Secretary may be suspended or removed from his/her office pursuant to Rule 25 of these Rules and his/her office shall also become vacant pursuant to Rule 24 of these rules: Provided that if the Union Secretary is removed from his/her office then unless the removal is not to take effect for a period of one month after the date of written notification to him/her of the decision to remove him/her he/she shall be paid forthwith one month's salary: Provided further that the Union Secretary shall give one month's notice of resignation.~~

- (10) ~~The Union Secretary shall be paid such salary, and shall enjoy such other conditions of employment, as may be prescribed by the Union Council from time to time.~~
- (11) ~~The Union Secretary shall be the chief administrative official of the Union, and, subject to any direction given to him/her by the Union Council, shall:~~
- ~~(a) control and manage the office and employees of the Union;~~
 - ~~(b) have charge of the records of the Union and be responsible for the recording, filing and safe keeping thereof;~~
 - ~~(c) keep accurate, permanent records of the activities of the Union and of all property of the Union;~~
 - ~~(d) see that the accounts of the Union are kept and presented for audit in accordance with these Rules;~~
 - ~~(e) prepare and furnish all returns, statements, declarations or the like required by law;~~
 - ~~(f) attend all meetings of the Union Council and the Union Executive unless granted leave therefrom, and he/she may thereat speak upon any matter before the Union Council or the Union Executive and may make recommendations (but shall only have a vote at meetings of the Union Executive);~~
 - ~~(g) prepare a report for each annual general meeting of the Union Council setting out the activities of the Union since the immediately preceding report;~~
 - ~~(h) prepare a financial statement for each annual general meeting of the Union Council, or more often if so directed by the Union Council, 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) have authority to represent the Union before tribunals under the Workplace Relations Act 1996;~~
- ~~(j) have authority to intervene on behalf of the Union in any matter, whether such matter is before a tribunal under the Workplace Relations Act 1996, or any other tribunal or authority, wherein he/she considers the interest of the Union is involved;~~
- ~~(k) generally perform such other duties as are allocated to him/her by the Union Council or the Union Executive from time to time; and~~
- ~~(l) hand over all books and other property belonging to the Union in his/her hands as directed by the Union Council or the Union Executive.~~

~~21A ASSISTANT UNION SECRETARIES~~

- ~~(1) (a) There shall be an Assistant Union Secretary or a number of Assistant Union Secretaries of the Union who shall be elected by a direct voting system in a secret postal ballot. The term of office of each Assistant Union Secretary shall be four years and shall commence and conclude at the same times as the term of office of the Union Secretary.~~
- ~~(b) In so far as they are applicable, the provisions of Rule 64 of these Rules shall apply to any such election.~~
- ~~(c) The number of Assistant Union Secretaries to be elected shall be determined by the Union Council at its annual meeting conducted in the year before the election is due to occur.~~
- ~~(d) A member shall not be eligible for election as an Assistant Union Secretary who has not been a financial member of the Union for a continuous period of two years prior to the actual opening date of the calling for nominations. Nominations in writing signed by the candidate and endorsed by at least two financial members must be made at the time and place or in the manner mentioned in the advertisements calling for nominations.~~
- ~~(e) The Returning Officer for such a ballot shall be appointed in accordance with Rule 17 of these Rules.~~

~~(2) Each Assistant Union Secretary elected:~~

~~(i) shall be under the control of and take instruction from the Union Secretary or as directed by the Union Council or Union Executive;~~

~~(ii) where practicable, shall attend all meetings as required and take the minutes; and~~

~~(iii) shall generally assist the Union Secretary in conducting the business of the Union.~~

~~(3) If the Union Secretary is unable to act then an Assistant Union Secretary shall act as the Union Secretary provided that which Assistant Union Secretary is to act as the Union Secretary must be determined by the Union Secretary or by a resolution of the Union Executive or Union Council.~~

~~(4) Each Assistant Union Secretary shall be paid such salary, and shall enjoy such other conditions of employment, as may be prescribed by the Union Council from time to time.~~

~~(5) (a) Where an extraordinary vacancy occurs in the position of an Assistant Union Secretary, the Union Council may determine not to fill the position.~~

~~(b) If the Union Council determines to fill the position and the remainder of the term of office is less than twelve months or less than three quarters of the term of the office, whichever is the greater, then the Union Council may appoint a member of the Union who would have been eligible for election to the position for the remainder of the term.~~

~~(c) If the Union Council determines to fill the position in circumstances other than those specified in paragraph (b), then the position must be filled by an election conducted in accordance with sub-rule (1) hereof and the member elected shall hold the position for the unexpired portion of the term of office.~~

~~(6) (a) An Assistant Union Secretary may be suspended or removed from his office pursuant to Rule 25 of these Rules and his office may also become vacant pursuant to Rule 24 of these Rules.~~

~~(b) — If an Assistant Union Secretary is removed from his office then, unless the removal is not to take effect for a period of one month after the date of written notification to him of the decision to remove him, he shall be paid forthwith one month's salary.~~

~~(c) — An Assistant Union Secretary must give one month's notice of resignation.~~

22 — 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 Union Secretary;~~

~~(c) — present bank pass-books of all accounts of the Union to each meeting of the Union Council;~~

~~(d) — generally perform such other duties as are allocated to him/her by the Union Council or the Union Executive from time to time; and~~

~~(e) — hand over all books and other property belonging to the Union in his/her hands as directed by the Union Council or the Union Executive.~~

~~(2) — The Union Treasurer may be paid such honorarium, as may be prescribed by the Union Council from time to time.~~

23 — UNION TRUSTEES

~~(1) — At the same time and in the same manner as the Union Council elects the Union Executive pursuant to Rule 17 of these Rules, the Union Council shall also elect from amongst its members two Union Trustees.~~

~~(2) — Real estate and securities belonging to the Union shall be vested in the Union Trustees for the time being who shall hold it and/or them in trust for the Union.~~

~~(3) With respect to real estate and securities vested in them pursuant to this Rule, the Union Trustees shall be subject to lawful direction by the Union Council.~~

~~(4) The provisions of Rules 15, 24 and 25 of these Rules shall apply, mutatis mutandis, to the position of Union Trustee.~~

~~24 VACATION OF A SEAT OF THE UNION COUNCIL OR OFFICE OF AN OFFICE HOLDER~~

~~The seat of a Union Councillor or the office of an officer of the Union shall be deemed to have become vacant:~~

~~(a) upon the death of the occupant;~~

~~(b) upon the occupant becoming of unsound mind;~~

~~(c) upon receipt by the Union of notice in writing of resignation of the occupant signed by him/her;~~

~~(d) upon the occupant ceasing to be a member of the Union;~~

~~(e) upon the occupant becoming an unfinancial member;~~

~~(f) upon the removal of the occupant pursuant to Rule 25 of these Rules.~~

~~25 SUSPENSION AND REMOVAL FROM THE UNION COUNCIL OR OFFICE~~

~~(1) A person elected to any office within the Union may be dismissed from office by the Union Council if found guilty of:~~

~~(a) (i) misappropriation of the funds of the Union;~~

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

~~(iii) gross misbehaviour; or~~

~~(iv) gross neglect of duty;~~

~~or~~

~~(b) has ceased, according to the Rules of the Union to be eligible to hold office.~~

~~(2) (a) Subject to sub-rule (1) hereof the Union Council may dismiss an officer of the Union from his/her office at a meeting of the Union Council to which the officer concerned has been summoned in writing signed by the Union Secretary or the Union President to show cause why he/she should not be so dismissed.~~

~~(b) An officer summoned to show cause pursuant to this sub-rule shall be given twenty-one days' notice of the date, time and place of the meeting of the Union Council to which he/she is summoned. Provided that less than twenty-one days' notice may be given if the officer concerned so consents. The notice summoning him/her shall also specify the ground or grounds upon which it is proposed to consider such dismissal.~~

~~(3) The Union Council may suspend from office the holder of any office, who is summoned to show cause why he/she should not be dismissed from such office. Provided that the charge against such an officer shall be dealt with by the Union Council within one (1) month of the date of the suspension of the officer concerned. Should the Union Secretary be suspended, the Union Council shall determine whether salary shall be paid to him/her during the period of suspension, and if so, what amount. Where the charge against the officer is dismissed by the Council then the officer concerned shall be paid his/her salary for the full periods of his/her suspension.~~

~~(4) A Union Councillor may be removed from his/her seat in accordance with provisions of Rule 73.~~

~~26 MEETINGS OF UNION COUNCIL~~

~~(1) The Union Council shall meet at least once in each calendar year and such meeting shall be the Annual General Meeting. In addition, the Union Council may meet at such other times as~~

it may determine, and it shall meet upon a written request being received by the Union Secretary from at least half in number of the Union Councillors, or from the Union Councillors representing at least two Divisions, requesting a meeting.

(a) ~~Notwithstanding anything else contained herein, the Union Council shall meet within eight (8) weeks of the quadrennial elections being declared.~~

(2) ~~The Union Council shall meet at such place as it may determine from time to time, or as it may delegate the Union Executive to determine from time to time.~~

(3) ~~A notice convening a meeting of the Union Council shall be posted to a Union Councillor not later than twenty-eight days prior to the date of the meeting, which notice shall include the Minutes of the previous Union Council Meeting, Agenda Paper and Notices of Motion for consideration of Union Council.~~

(4) ~~At a meeting of the Union Council a quorum shall be a majority in number of Union Councillors, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Union Council the meeting shall lapse.~~

(5) ~~The fares (either by air, land or sea) of a Union Councillor attending a meeting of the Union Council shall be a charge against Union Funds and shall be paid by the Union Council. The other reasonable expenses of a Union Councillor attending a meeting of the Union Council shall be a charge against the Division Funds of the Division of which he/she is representative and shall be paid by that Division.~~

~~27 ORDER OF BUSINESS AND STANDING ORDERS~~

~~The Order of Business and the Standing Orders for a meeting of the Union Council shall be, unless the Union Council at any meeting decides otherwise, like the Order of Business and the Standing Orders prescribed for a meeting of Conference or a Division Executive by Rule 77 of these Rules.~~

~~27A MEETINGS OF UNION EXECUTIVE~~

(1) ~~Meetings of the Union Executive shall be held at least once a year or at such other times and places as the Union Executive shall determine from time to time; provided that the Union President may summon a meeting of the Union Executive at any time and he/she shall do so~~

on-written request from the Union Secretary or a Division Executive in any case of emergency.

- (2) ~~At a meeting of the Union Executive a quorum shall be three, and in the event of any quorum not being present within thirty minutes next after the appointed time for a meeting of the Union Executive the meeting shall lapse.~~

~~28 – DECISIONS BY POSTAL COMMUNICATION~~

- (1) ~~Between meetings of the Union Council, Union Councillors may be requested to vote in writing or by postal communication upon any matter for decision submitted to them by the Union Executive through the Union Secretary, and the decision on any such matter so submitted shall be in accordance with the majority vote of the votes received, and such decision shall be equivalent to a resolution passed at a meeting of the Union Council duly convened and regularly held, and shall be binding on the Union.~~
- (2) ~~Nothing in this Rule shall in any way derogate from the authority of the Union Secretary to communicate only with the Union Executive if the Union Secretary desires to obtain the advice, authority or direction of the Union Executive on the subject matter in question.~~

~~29 – EMPLOYEES OF UNION~~

~~The Union may employ such persons for the purpose of carrying out these Rules as the Union Council thinks necessary. Every such employee shall be employed during the pleasure of the Union Council only, and shall be employed upon such terms and conditions as the Union Council may prescribe from time to time.~~

~~30 – REVIEW OF A DECISION OF THE UNION COUNCIL~~

- (1) ~~A decision of the Union Council may be altered or annulled by affirmative vote of the majority of financial members of the Union.~~
- (2) ~~Subject to sub-rule (3) hereof, any Division Executive on receipt of a petition for a review of any decision of Union Council signed by two thousand members or 10 per cent of the financial members of the Union, whichever is the less, shall request the Union Executive to hold a referendum seeking such a review. The Union Executive shall within six weeks of the~~

receipt of such request take all necessary steps to refer the matter to a referendum of the whole of the financial members of the Union.

- (3) ~~A decision made under Rule 37 for which a ballot is to be held in accordance with the provisions contained in Division 7 of Part IX of the Workplace Relations Act 1996 shall not be subject to referendum in accordance with sub-rule (2) hereof~~

~~31—INITIATION OF LEGAL PROCEEDINGS~~

~~Legal proceedings may be initiated and matters may be brought before the Industrial Relations Commission or other tribunal or authority by a majority vote of Union Councillors. In cases of emergency, however, such proceedings may be initiated and matters may be so brought by the authority of the Union Secretary and the Union President provided their action be confirmed by a majority of Union Councillors within one calendar month thereafter.~~

~~32—EXECUTION OF DOCUMENTS~~

~~Industrial agreements and other documents may be executed by or on behalf of the Union by the signature of an officer of the Union.~~

~~33—REIMBURSEMENT OF LEGAL COSTS~~

- (1) ~~The Union Council may undertake to guarantee the payment of the costs and expenses incurred in any legal proceeding for which a member or a dependent of a deceased member may become liable, provided that before the Union Council so guarantees the member or the dependent, as the case may be gives to the Union Secretary (or, if the Union Secretary so authorises, to a Division Secretary) Power of Attorney to take or defend action in that behalf and to retain from any sum of money ordered to be paid to the member or the dependent such as is sufficient to reimburse the Union for costs and expenses incurred by it pursuant to such guarantee.~~
- (2) ~~The Union Council may refrain, according to all the circumstances of the case, from retaining (either in whole or in part) any money from the money ordered to be paid as aforesaid.~~

~~34—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 55 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.~~

~~35 – 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.~~

~~36 – AFFILIATION~~

- ~~(1) The Union may affiliate with a body established for the protection and promotion of the cause of Labor by decision of the Union Council and upon such terms and in such manner as the Union Council by its decision prescribes.~~
- ~~(2) The Communist Party or a body allied or associated with the Communist Party or a group of individuals allied or associated with, the Communist Party shall be deemed to be not a body established for the protection and promotion of the cause of Labor.~~

~~For the purpose of this sub-rule the expression “a body allied or associated with the Communist Party” and the expression “a group of individuals allied or associated with the Communist Party” mean a body or group of individuals declared by the Union Council or by the Australian Labor Party (including a State Branch thereof) to be a body or group allied or associated with the Communist Party.~~

~~37 – AMALGAMATION~~

~~The Union may amalgamate with another organisation:~~

- ~~(a) upon a resolution to that effect of the Union Council which includes within it the terms upon which amalgamation is being effected; and~~
- ~~(b) upon ratification of the aforesaid resolution by resolutions of the Division Executives of the majority of the Divisions of the Union.~~

~~38 – INSPECTION OF BOOKS~~

~~A member of the Union, upon personal application to the Union 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 Union Secretary.~~

39 – COPY OF RULES

~~Upon admission to membership a member, upon application, shall be entitled to receive free of charge from the Division Secretary a copy of these Rules, and upon any reprint of these Rules each member upon like application, shall be entitled to received free of charge a copy thereof.~~

~~A member, upon application, may at any time obtain additional copies of these Rules upon the payment of the sum prescribed by a Division Secretary for each such additional copy.~~

~~40—ALTERATION OF RULES~~

~~These Rules may be amended or repealed, or new Rules may be made, by the Union Council.~~

~~41—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 finds shall be placed in a bank in the names of trustees appointed for the purpose by ballot among the remaining members, and shall be used only for the purpose of reorganising the Union.~~

~~41A—ELECTION OF ASSISTANT UNION SECRETARIES~~

- ~~(1) The Union Executive may appoint two members of the Union to act as Assistant Union Secretaries until the election prescribed by this Rule can be conducted.~~
- ~~(2) Two Assistant Union Secretaries shall be elected by and from Union Council at a meeting held within three months of the date of certification of these rules.~~
- ~~(3) The election shall be conducted as follows:
 - ~~(a) The Returning Officer shall call for nominations at the meeting.~~
 - ~~(b) Nominations may be made orally or in writing and must be agreed to by the candidate orally or in writing.~~
 - ~~(c) If there are only two candidates for the offices of Assistant Union Secretary, the Returning Officer shall declare to the Union Council that such candidates are elected.~~~~

~~(d) If there are more than two candidates the Returning Officer shall prepare voting papers.~~

~~(e) The election shall be by secret ballot and any candidate may appoint a scrutineer whose duty it will be to watch the interests of the candidate through all stages of the ballot.~~

~~(f) Any Union Councillor who will not be present either in person or by proxy at the meeting at which the election is to be held may lodge with the Union Secretary a request for an absent vote together with an address where he can receive communications and if any Union Councillor has done so the Returning Officer shall not declare the ballot until he has given such Councillor a reasonable opportunity to vote.~~

~~(g) The Returning Officer shall declare to the Union Council the result as soon as the count is completed. In the event of a tie the Returning Officer shall draw by lot to resolve the tie.~~

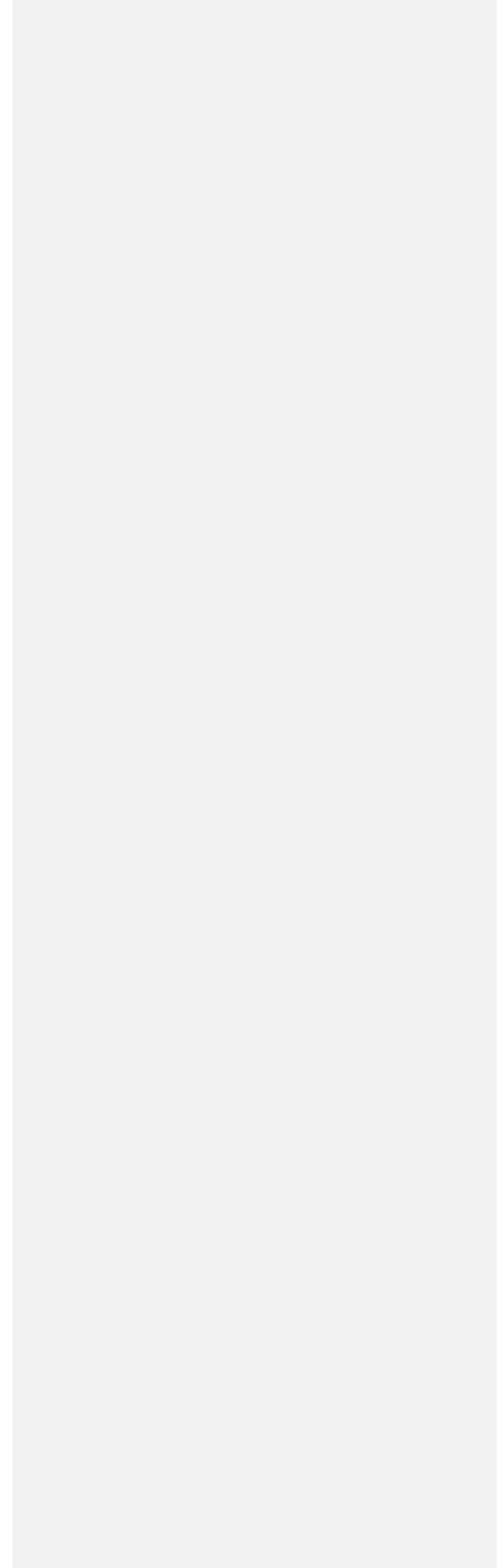
~~(5) An election for the number of Assistant Union Secretary positions determined by Union Council at its annual meeting in 2001 shall be conducted in the first six months of 2002.~~

~~(6) The members of the Union elected by the Union Council as Assistant Union Secretaries in accordance with sub-rule (2) hereof shall hold office until the declaration of the election referred to in sub-rule (4) hereof.~~

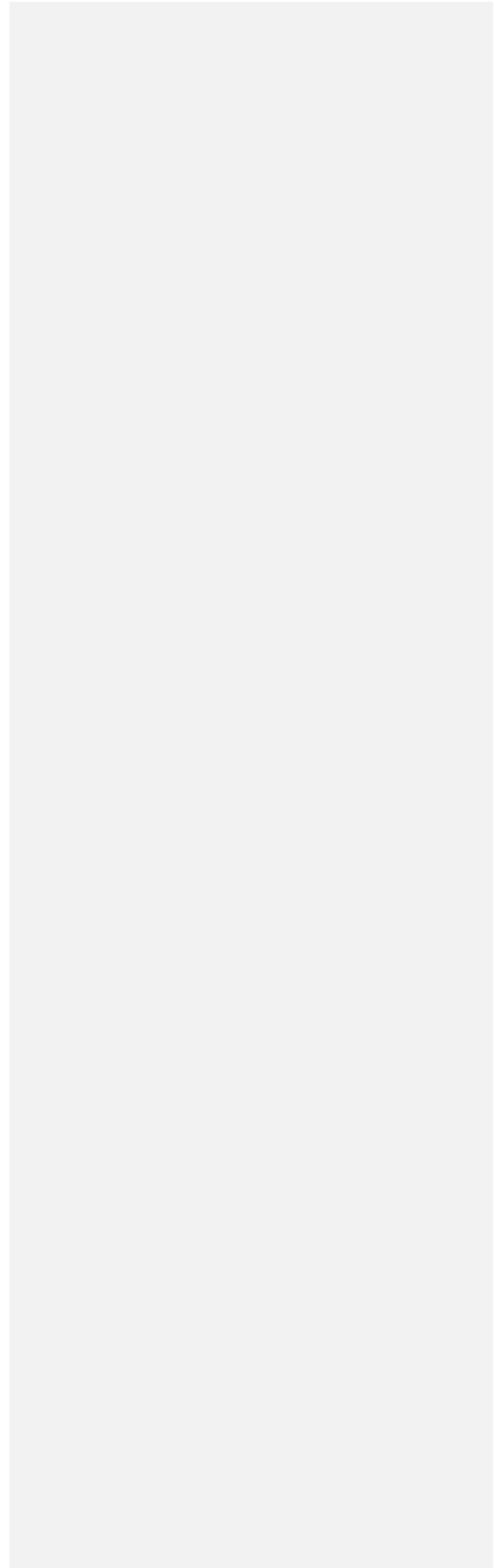
41B—HOLDING OVER OF OFFICE

~~(1) In the event of any delay for any reason in the conduct of election of any Office as prescribed in PARTS ONE, and TWO of the Rules of Organisation, and in the WESTERN AUSTRALIAN DIVISION GENERAL RULES, in these Rules, the existing Office holder shall continue to hold office and perform the role of the Office in full until the date of the Declaration of Election is issued by the Returning Office in respect of those elections.~~

PART TWO - DELETED



PART THREE - TRANSITIONAL PROVISIONS - Deleted



WESTERN AUSTRALIAN DIVISION

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1 - NAME OF ~~DIVISION~~ "UNION"

The name of the ~~Division~~ "Union" shall be the Local Government, Racing and Cemeteries Employees Union. ~~Western Australian Division.~~

2 - DEFINITIONS AND INTERPRETATION

~~(1) In these Rules, unless there be something in the subject at context inconsistent therewith, the following words and expressions shall have the several meanings hereby assigned to them, that is to say:~~

~~— "Conference" means the supreme government of the Division.~~

~~"Date of commencement of these Rules" means the date of registration of these Rules under the Workplace Relations Act 1996.~~

~~"Division" shall mean the Local Government, Racing and Cemeteries Employees Union Western Australian Division.~~

~~— "Executive" means Executive of the Division.~~

~~"Extraordinary vacancy" means vacancy occurring in any office, seat or position after an election or an appointment thereto and before the expiration of the period for which the person who has last vacated the office, seat or position in any manner whatsoever, was elected or appointed.~~

~~— "Union Council" means Union Council of the Union.~~

~~"Union Councillor" means representative of the Division to the Union Council elected or appointed pursuant to these Rules.~~

~~— "Union Secretary" means Union Secretary of the Union.~~

~~“Union” shall mean the Local Government, Racing and Cemeteries Employees Union.~~

~~“Financial member” means a member not deemed unfinancial pursuant to Rule 17 of these Rules.~~

~~“Financial year” means the calendar year 1st day of July to 30th day of June next following.~~

~~“Division Secretary” means Secretary of the Division.~~

~~“Industry” means the industry in connection with which the Union is formed (Note: See paragraph (1) (a) of Rule 3 of these Rules).~~

~~“Life member” means member upon whom life membership of the Union has been conferred pursuant to these Rules.~~

~~“Member” means member of the Union.~~

~~“Membership” means membership of the Union.~~

~~“Office” means—~~

~~(a) the office of President, Vice-President, Secretary, **Assistant Secretary**, Treasurer or other executive officer, by whatever name called, of the Division;~~

~~(b) the office of a person holding, whether as Trustee or otherwise, property of the Division or property in which the Division has any beneficial interest; and~~

~~(c) every office within the Division for the filling of which an election is conducted within the Division.~~

~~“Officer of the Division” means a member of the Division holding “office” as defined in this Rule.~~

~~“Organisation” means an organisation registered under the Workplace Relations Act 1996.~~

~~“Seat” means the position on the Executive of a member of the Executive.~~

~~“These Rules” means the Rules of the Division as they exist from time to time.~~

~~(2) 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.~~

(1) 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:

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

~~“Conference” means the supreme government of a Division, the Union.~~

~~“Date of commencement of these Rules” means the date of registration of these Rules under the Workplace Relations Act 1996.~~

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

~~“declared person or body” A person is a declared person or body if:~~

~~(i) an officer of the *union/division* has disclosed a material personal interest under [RULE 3 OF PART 4 “TWO”]; and~~

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

~~— (iii) the officer has not notified the union/division that the officer no longer has the interest.~~

~~“Division” means Division of the Union constituted by or pursuant to these Rules.~~

~~“Division Executive” means Executive of a Division.~~ **“the Union.”**

~~“Division Secretary” means Secretary of a Division.~~ **“the Union.”**

“Extraordinary vacancy” means vacancy occurring in any office, ~~seat or position~~ after an election or an appointment thereto and before the expiration of the period for which the person who has last vacated the office, ~~seat or position~~, in any manner whatsoever, was elected or appointed.

“Financial member” means a member not deemed unfinancial pursuant to Rule ~~57~~ **“19”** of these Rules.

“Financial year” means the calendar year, 1st day of July to 30th day of June next following.

~~“financial duties” includes duties that relate to the financial management of the union or a division of the union.~~

“General Manager” means the General Manager of Fair Work Commission.

“Industry” means the industry in connexion with which the Union is formed.

“Life member” means member upon whom life membership of the Union has been conferred pursuant to these Rules.

“Member” means member of the Union.

“Membership” means membership of the Union.

“Office.” means:

the office of president, vice-president, secretary, **“assistant secretary”** treasurer, **“trustee”, “committee member” “and zone delegate”** or other executive officer by whatever name called, of the Union or a Division of the Union;

(b) ~~the office of a person holding, whether as trustee or otherwise, property of the Union or a Division of the Union in which the Union or a Division of the Union has any beneficial interest; and~~

(c) ~~every office within the Union or a Division of the Union for the filling of which an election is conducted within the Union or a Division of the Union.~~

“Officer of the Union” or “Officer of the Division” means a member of the Union holding “Office” as defined in this Rule.

“Organization” means ~~an organization registered under the Workplace Relations Act 1996.~~

“State Recognised Counterpart” means the Local Government, Racing and Cemeteries Employees Union (WA),”

“These Rules” mean the Rules of the Union as they exist from time to time.

“Union” shall mean the Local Government, Racing and Cemeteries Employees Union

~~“Seat” means the position of a Union Councillor on the Union Council as representative of a Division, or the position on a Division Executive of a member of the Division Executive.~~

~~“non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.~~

~~“peak council” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.~~

~~“office” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*~~

~~“officer” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*~~

~~“related party” has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.~~

~~“relative” in relation to a person, means:~~

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

~~—— (ii) — the spouse of the first mentioned person.~~

~~“relevant remuneration” in relation to an officer of the *union/division* for a disclosure period is the sum of the following:~~

~~—— (i) — any remuneration disclosed to the *union/division* by the officer under [RULE 2 OF PART FOUR TWO] during the disclosure period;~~

~~—— (ii) — any remuneration paid during the disclosure period, to the officer of the *union/division*;~~

~~“relevant non-cash benefits” in relation to an officer of the *union/division* for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the *union/division* or by a related party of the *union/division*.~~

~~“remuneration”~~

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

~~(ii) does not include a non-cash benefit; and~~

~~(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.~~

~~“Union Council” means the Union Council of the Union.~~

~~“Union Councillor” means representative of a Division to the Union Council elected or appointed pursuant to these Rules.~~

~~“Union Executive” means Union Executive of the Union.~~

~~“Union Secretary” means Union Secretary of the Union.~~

~~“Seat” means the position of a Union Councillor on the Union Council as representative of a Division, or the position on a Division Executive of a member of the Division Executive.~~

~~(2) 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 – CONSTITUTION OF DIVISION~~

~~“3 – INDUSTRY”~~

The industry of operations conducted by Municipal County and Shire Councils and Local Government Bodies and of the operation of public and quasi-public undertakings by electric, gas, water, sewerage and road making trusts, boards, commissions and corporations (not formed or constituted for the purpose of private gain) and similar bodies.

4 - ELIGIBILITY FOR MEMBERSHIP

The Union shall consist of an unlimited number of bona fide employees, other than officers or inside clerical workers, in the State of Western Australia employed by Municipal County and Shire Councils or other Local Government Authorities or Trusts, Municipal Trusts Water Supply and/or Sewerage Boards or Trusts, Road Boards and other Boards, Corporations, Commissions or Trusts, carrying out or entrusted with the carrying out of works operations or functions similar to those usually or generally performed by Municipal or Shire Councils or other Local Government Authorities before the appointment of such Boards, Corporations, Commissions or Trusts and of employees to contractors to any of such Councils, Authorities, Boards, Corporations, Commissions or Trusts and of such other persons whether employed in the relevant industry or not as have been or are hereafter appointed officers of the Union and admitted as members thereof; And the Union shall also consist of persons in the State of Western Australia other than officers or inside clerical workers, who are employed or usually employed in or in connection with health boards, the board or governing body of any park, reserve or racecourse, cemetery boards or any person acting for, under, or on behalf of any of such boards or bodies; And that the said Union shall not admit as members employees engaged on new construction work in connection with services which have not passed to the authority which on the completion of such construction work is responsible for the provision and maintenance of those services.

~~The Division shall consist of persons covered by Rule 4 Eligibility for Membership of the Rules of the Local Government, Racing and Cemeteries Employees Union.~~

~~4~~ 5 -PURPOSES OF ~~DIVISION~~ "UNION"

~~"(1)" The purposes of the Division "for which the Union is formed are:" shall be those purposes for which the Union is formed, namely:~~

- (a) 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 -
 - (i) 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;

- (ii) to protect the interests of the industry;
 - (iii) to promote industrial peace by all means of conciliation and arbitration;
 - (iv) to prevent lockouts and strikes between employers and members;
 - (v) to secure redress for any grievances to which members or any of them may become subject; and
 - (vi) to secure preference of employment for members.
- (b) 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.
- ~~(c) To relieve financial distress of members or near relatives of deceased members in cases of need, and for that purpose to establish a Provident Fund.~~
- ~~(d) To provide funds for the conduct of legal and other proceedings –~~
- ~~(i) to enforce payment of entrance fees, subscriptions, fines and levies payable or believed to be payable to the Union;~~
 - ~~(ii) to obtain awards and industrial or other agreements, and the variation, extension or termination thereof;~~
 - ~~(iii) 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;~~
 - ~~(iv) to attain otherwise any of the purposes of the Union.~~
- ~~(e) To acquire, either as freehold or leasehold or otherwise, real estate for the use of the Division. "Union."~~

~~(f)~~ To invest funds in securities and projects authorised by law.

~~(g)~~ **(c)** To establish or publish a newspaper, magazine, journal, “**e-journal**” or other publication for the furnishing of information concerning the Division “**Union**” and matters of interest generally to members.

~~(h)~~ **(d)** 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.

~~(i)~~ To assist in any deserving cause of hardship respecting a member or members of another organisation or industrial or other union which cause is officially endorsed by such other organisation or union, if that organisation or union concedes reciprocal rights and privileges to members of the Union.

~~(j)~~ **(e)** To further political objects.

~~(k)~~ **(f)** To absorb into membership the members of an organisation, association or union, whether registered or not, provided such members are qualified according to the Rules of the Union.

~~(l)~~ **(g)** To affiliate with a body established for the protection and promotion of the cause of Labor.

5 - 6 - REGISTERED OFFICE OF DIVISION “UNION”

(1) The registered Office of the Division “**Union**” shall be Unit 209/396 Scarborough Beach Road, OSBORNE PARK, WA, 6017, or such place the Division “**Union**” Executive shall determine from time to time.

~~(2)~~ The Division Secretary shall notify the Union Secretary of any change of address of the registered office of the Division.

6-7 - REGISTERED OFFICER OF ~~DIVISION~~ "UNION"

- (1) The ~~Division~~ "Union" Secretary shall be the registered officer of the ~~Division~~ "Union" and ~~he~~ "they" shall have power to sue on behalf of the Union for all entrance fees, subscriptions, levies and fines due and owing to the Union, and in any other matter as to which ~~he~~ is "they are" so authorised by the Union Council "Conference" 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 Division Secretary is hereby invested with all powers and authorities necessary or convenient in that regard.~~

7 8 - ZONES OF ~~DIVISION~~ "UNION"

- (1) For the purpose of election of delegates of Conference and such other purposes as permitted by these rules, each Member shall be allocated to one of the Zones provided for in sub rule (2) based on the definitions of the Zones in sub rule (3).
- (2) The Zones of the Union shall be:
 - 2.1 Metropolitan Zone
 - 2.2 Rural Zone
 - 2.3 General Zone
- (3) The Zones shall be defined as follows:

3.1 Metropolitan Zone

All Local Government entities constituted under the Local Government Act 1995 whose boundaries fall within the outer boundaries of the City of Wanneroo, City of Swan, Shire of Mundaring, City of Kalamunda, City of Kwinana, and City of Rockingham. The number of delegates to be elected from this Zone shall be one (1).

3.2 Rural Zone

All Local Government entities constituted under the Local Government Act 1995 whose boundaries fall outside the Metropolitan Zone. The number of delegates elected from this Zone shall be four (4).

3.3 General Zone

All other Members who are not employed by a Local Government entity as constituted under the Local Government Act 1995. The number of delegates to be elected from this Zone shall be ~~one (1)~~-two (2).

- (4) A Member who has more than one employer that entitles that member to Membership and who could be allocated to more than one Zone, is to be allocated to a Zone on the basis of the predominant employer.
- (5) The Conference has the power to change the Zone allocation from Metropolitan to Rural Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Metropolitan Zone change for any reason including (but not limited to) amalgamation resulting in part of the new entity falling partly outside the Metropolitan Zone-only if majority new entity's land falls outside the boundaries of the Metropolitan Zone.
- (6) The Conference has the power to change the Zone allocation from Rural to Metropolitan Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Rural Zone change for any reason including (but not limited to) amalgamation resulting in part of the new entity falling partly inside the Metropolitan Zone-only if majority new entity's land falls within the boundaries of the Metropolitan Zone.

8 9 - FUNDS OF DIVISION "UNION"

- ~~(1) The funds of the Union in the hands of the Division—consisting of entrance fees, subscriptions, levies, fines and other income from any source shall be used first in payments to the Union Council in accordance with Rule 9 of the Rules of the Union, and thereafter for the purposes of the Union (and the Division) as prescribed by Rule 4 of these Rules and in necessary expenses of management.~~

~~(2) Funds of the Union in the hands of the Division not required for payment to the Union Council as aforesaid shall be known as Division Funds.~~

~~(3)~~ **(1)** (a) Subject to this Rule, ~~Division~~ **“Union”** Funds and all real and personal estate belonging to the Union ~~in the hands of the Division~~ shall be under the control of the Executive.

(b) Real estate and securities belonging to the Union in the hands of the ~~Division~~ **“Union”** shall be vested in the ~~Division~~ **“Union”** Trustees, and shall be held by them in trust for the Union.

~~(4)~~ **(2)** ~~Division~~ **“Union”** funds shall be banked in ~~the Commonwealth Savings Bank of Australia or such other Bank~~ **“an accredited, licensed and approved bank or credit union”** as the Executive may determine from time to time in ~~such~~ one or more ~~society~~ accounts as the Executive may from time to time determine.

~~(5)~~ **(3)** All ~~cheques~~ **“Funds”** drawn on ~~Division Funds~~ shall be ~~signed~~ **“authorised”** by the ~~Division~~ **“Union”** Treasurer and shall be ~~countersigned~~ **“be also authorised by “either”** the ~~Division~~ **“Union”** President ~~and “or”~~ the ~~Division~~ **“Union”** Secretary: Provided that in the case of absence of any of such persons or of ~~his~~ **“their”** inability to ~~sign cheques~~ **“authorise the drawing of funds”** the Executive may appoint a member of the Executive to sign in place of the absent or unable person either generally or in any particular case.

“(4) Notwithstanding sub rules (1) to (3) above, the Union and the Union Executive may enter into an arrangement with its State Registered Counterpart for the management, use and control of funds and assets of the Union including but not limited to membership fees or other income.”

9-10 - AUDIT OF ~~DIVISION~~“UNION” FUNDS

(1) An auditor, ~~who is a qualified accountant, and~~ who is not a member of the Union, **“and who meets the requirements and obligations to be an Auditor as set out under the *Fair Work (Registered Organisations) Act 2009*”** shall be appointed by the ~~Division~~ **“Union”**

Executive annually, and at such other time as becomes necessary **“as required by the *Fair Work (Registered Organisations) Act 2009*”**.

- (2) **“The auditor will audit the financial statements of the Union in accordance with the requirements under the *Fair Work (Registered Organisations) Act 2009* and make a report in relation to the financial statements to the Union.”**

Immediately prior to Conference, and at such other time or times as the Division **“Union”**

Executive directs, the Auditor shall –

- (a) ~~investigate the books and other documents of the Division **“Union”** appertaining to finance, and audit the accounts of the Division **“Union”**; and~~
- (b) ~~furnish to the Division **“Union”** Executive a report and balance sheet of the Division’s **“Union’s”** finances, certifying to the correctness of such report.~~

- (3) An auditor shall be deemed to have vacated his **“their”** position -

(a) upon death;

~~(b) upon becoming of unsound mind; or~~

~~(c) **“(b)”** upon receipt by the Division **“Union”** Executive of notice in writing of resignation signed by him **“them”**;~~

and the Division **“Union”** Executive may terminate the services of an Auditor at any time **“in accordance with the requirements of the *Fair Work (Registered Organisations) Act 2009*”**.

- ~~(4) For the purposes of this Rule **“qualified accountant”** shall mean a registered Public Accountant within the meaning of the Public Accountants Registration Act, No. 18, 1945.~~

4011 - ~~DIVISION~~ UNION SEAL

- (1) The ~~Division~~ “**Union**” shall have a seal or stamp which shall be of such design as the ~~Division~~ “**Union**” Executive may determine, and which shall bear the name of the Union, ~~and the Division~~.
- (2) The seal and stamp shall remain in the custody of the ~~Division~~ “**Union**” Secretary.

4112 - ADMISSION TO MEMBERSHIP

- (1) An applicant for admission as a member of the Union shall complete and sign an application form provided by the Union, which ~~he~~ **“they”** shall lodge with or forward to the ~~Division~~ “**Union**” Secretary.
- (2) An application for membership may be accompanied by the entrance fee and subscription, payable in respect of the financial year then current, as provided by Rule ~~16~~ **“18”** of these Rules.
- (3) Immediately upon signing an application form the applicant shall become a member of the Union whether the entrance fee and/or subscriptions have been paid or not, unless at the next meeting of the Executive objection is taken that the applicant is of general bad character, and in such case the applicant shall be admitted to membership only if a majority of the Executive concerned vote in favour of ~~his~~ **“their”** admission.
- (4) After the application for membership has been rejected under sub-rule (3) hereof the ~~Division~~ “**Union**” Secretary shall within seven days notify the applicant in writing of such decision and the reasons therefore and shall refund to the applicant any fees and/or subscriptions paid by ~~him~~ **“them”** at the time of making application.
- (5) The non-compliance with any formality of admission required by this Rule or the non-payment of any entrance fee or subscription ~~much may be~~ payable under these Rules, shall not invalidate the admission of any member.

(6) An entry in the ~~Minute Book~~ **“membership records”** of the ~~Division~~ **“Union”** that a person has been duly admitted as a member of the Union shall be prima facie evidence that all formalities necessary to such admission have been duly complied with.

~~(7) The payment of an entrance fee, subscription, levy or fine shall be held to be conclusive evidence of membership, provided the member is qualified according to these Rules. Nothing in this sub clause shall affect in any way the jurisdiction of the Executive conferred by sub-rule (9) hereof.~~

(8) Notwithstanding any foregoing provisions of this Rule, the fact that the requirements of this Rule have not been complied with by or in respect of any person who at the date of commencement of these Rules was a member of the Union shall not invalidate membership, and any such person shall be deemed to have become a member of the Union pursuant to these Rules.

“(9) Sub-rule (10) shall apply to an applicant for membership who is eligible to join both the Union and the Union’s State Recognised Counterpart.

(10) Where an applicant joins both the State Recognised Counterpart and the Union, entrance fees and subscriptions may be paid to the State Recognised Counterpart and if they become a financial member of the State Recognised Counterpart then they shall be deemed a financial member of the Union.”

(11) The Secretary shall advise applicants for membership in writing of:

(a) **the financial obligations arising from membership, and**

(b) **the circumstances and the manner in which a member may resign from the Union.”**

~~4A13~~ - ASSOCIATE MEMBERSHIP

(1) An Associate Member is a person who may apply for membership of a ~~Division~~ **“the Union”** who is otherwise not eligible to be a member pursuant to Rule 4 of ~~PART ONE UNION GENERAL RULES~~ **“these rules.”** A person may apply for and be admitted to Associate

Membership of the Union if they are not eligible to become a financial member of the Union pursuant to Rule 4 of ~~PART ONE UNION GENERAL RULES~~: **“these rules.”**

- (2) The benefits of membership to which an Associate Member is entitled shall be determined by the Union Executive provided that an Associate Member is not entitled to hold Office, vote at meetings, or take part in any election in any capacity.
- (3) An Associate Member may be permitted to attend meeting **“s”** as a non-speaking guest where invited by an Office holder as defined in these Rules.
- (4) An associate member shall be a non-financial member who does not have the rights of a financial member of a ~~Division~~ **“the Union”**.
- (5) Membership contributions per annum shall be determined by ~~Division~~ **“Union”** Executive.
- (6) Any associate member who seeks to or does bring the Union into disrepute or is involved in actions that seek to or do injure, vilify the standing of the Union shall have their membership cancelled without appeal by the ~~Division~~ **“Union”** Executive.

1214 - READMISSION TO MEMBERSHIP

- (1) Any person whose former membership of the Union was terminated in any way whatsoever may be readmitted to membership of the Union **“provided they pay fees and comply with these rules.”** ~~according to the discretion of the Executive: Provided that no person may be readmitted to membership while he owes any money to the Union.~~
- (2) ~~The provisions of Rule 11 of these Rules shall apply to an application for readmission to membership pursuant to sub-rule (1) hereof.~~

1315 - LIFE MEMBERSHIP

- (1) Conference may confer life membership of the Union upon a financial member, who has retired from the industry, having not less than twenty years of membership of the Union or such other similar union as the ~~Union Council~~ **“Conference”** prescribes whom Conference considers merits life membership by reason of long years of active and faithful service to the Union.

- (2) A life member shall be obliged to pay all moneys due and owing by ~~him~~“them” to the Union up to the date upon which life membership is conferred upon ~~him~~ “them”, but thereafter shall not be obliged to pay to the Union any entrance fee, subscription or levy, but in all other respects a life member shall be entitled to all the rights and privileges and shall be subject to all the obligations of membership“, **excepting the right and privilege of voting and of nominating for or being elected to any office as defined in these rules.”**

1416 - ~~DIVISION~~ UNION REGISTER OF MEMBERS

“(1)” A register of the Members of the Union ~~attached to the Division~~, showing the name and postal address of each member, and a list of the names, postal addresses and occupations of the Officers of the ~~Division~~ “Union” -as far as they are known, shall be kept at the office of the ~~Division~~“Union”.

1517 - CHANGE OF MEMBERS ADDRESS

“(1)” A member changing his “their” address shall furnish particulars of his“their” new address to the ~~Division~~“Union” Secretary within fourteen days of such change. ~~and in default be liable to a fine of \$1.00 and any additional postage costs incurred.~~

1618 - MEMBERSHIP FEES

- (1) Each member shall pay either an annual or periodic subscription.
- (2) The Union Executive shall from time to time set the amount of the annual and periodic subscriptions.
- (3) The Annual Subscription in Rule 18(1) may be paid:
 - a. As a lump sum annually, half yearly, or quarterly at the discretion of the member.
 - b. The payment falls due on the first day of the period covered by the subscription.
 - c. Payment may be made by way of electronic funds transfer; cash; money order; credit card (where such facility to receive exists) into the Union’s Nominated Financial Institution Account.

d. Payments not made by the due date become outstanding and are recoverable in accordance with the Rules as a debt owing to the Union.

(4) Periodic Subscriptions may be paid by instalments by arrangement between the Union and employing authority (as defined in Rule 3 of these rules) of the member and or by direct debit arrangement between the Union and the Member.

(5) Provided that any instalment not deducted or otherwise outstanding, at any time, shall continue to be due and payable in accordance with these Rules.

“(6) Notwithstanding the provisions of sub-rules 18(1) to (5), payment by a member to the State Registered Counterpart of the prescribed membership fees under the rules of the State Registered Counterpart shall constitute payment in full of the membership fees to the Union.

(7) In the event that the Union’s State Registered Counterpart, reneges or otherwise abrogates its obligations under subrule (4) of Rule 9 FUNDS OF THE UNION then the applicant shall continue to be deemed a financial member under these rules and be entitled to all services, benefits and privileges arising under these rules until the end of the financial year in which the arrangement with the State Recognised Counterpart ceased. From the commencement of the next financial year, the member shall be liable to payment of fees and levies to the Union.

(8) Existing financial members of the Sate Recognised Counterpart who are also members of the Union shall be a deemed financial member of the Union from the date that this sub-rule is certified.”

1719 - ARREARS OF FEES, ETC.

“(1)” A member who does not pay to the Union “or its State Registered Counterpart”-

- (a) ~~(a) his or her entrance “their” fee, yearly subscription or first quarterly subscription in any one calendar year before the end of the period of the first two calendar months in such year or other quarterly subscription in such year before the end of the first calendar month after the date such subscription becomes due either:~~
- yearly

- half yearly
- Quarterly, or
- by automatic payroll deduction by their employer

(b) shall be deemed unfinancial after the expiry of three months from the date upon which the fee fell due. ~~Provided however that a member shall not be deemed unfinancial whose subscription for a current year is being deducted by instalments from the member's salary or wage by arrangement with the Union Council or Authority employing the member AND provided that all subscriptions owing by the member for the year ended the preceding thirty first December shall have been fully paid; or~~

~~(b) any levy before the end of the period of three calendar months after the last day on which such levy may be paid; or~~

(2) Notwithstanding sub-rule (1) the Union Executive may permit continuity of financial membership to a member, who upon written application to either the Secretary or President, requesting a fee suspension due to financial hardship. The maximum period of fee suspension that the Union Executive may grant, shall be not more than twelve months either consecutive or in aggregate.”

~~(c) any fine before the end of the period of three calendar months after—~~

~~(i) the date of dismissal of an appeal instituted in accordance with Rule 38 of these Rules; or~~

~~(ii) the last day on which an appeal may be instituted in accordance with the said Rule 33 if no such appeal be instituted, shall be deemed unfinancial, and while he so remains unfinancial shall be excluded from all the rights and privileges but not from the obligations of membership, and he may sued for the money owed by him~~

1820 - RESIGNATION OF MEMBERSHIP

~~A member may resign his membership of the Union by notice in writing if:~~

~~(a) he ceases to be employed in or in connexion with the industry of the Union; or~~

~~(b) the notice is given not less than three months before the resignation is to take effect and all dues are paid to the date on which the resignation is to take effect.~~

Notice in writing of resignation shall be addressed to the Division Secretary and delivered to that officer.

“(1) Membership of the Union shall be terminated:

- (a) by resignation in accordance with these Rules, or;
 - (b) by expulsion in accordance with these Rules, or;
 - (c) by death of the member, or;
 - (d) by the member ceasing to be eligible to become a member of the Union; in accordance with Rule 4.
- (2) A member may resign from membership of the Union by notice in writing addressed and delivered to the Secretary of the Union.
- (3) A notice of the resignation from membership of the Union shall take effect:
- (a) where the member ceases to be eligible to become a member of the Union;
 - (i) on the day upon which the notice is received by the Union; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (b) in any other case:
 - (i) at the end of two weeks after the notice is received by the Federation; or
 - (ii) on the day specified in the notice;whichever is later.
- (4) A notice delivered to the Secretary of the Union shall be taken to have been received by the Union when it was delivered.
- (5) A notice of resignation that has been received by the Union shall not be invalid because it was not addressed and delivered in accordance with sub-rule (2) of this Rule.

- (6) **A resignation from membership of the Union shall be valid even if it is not affected in accordance with this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.**
- (7) **Any subscriptions fees or levies payable but not paid by the former member in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a Court of competent jurisdiction, as a debt due to the Union.**
- (8) **An action arising under sub-rule (7) shall not be taken unless the Union has written to the members advising the member of the quantum of outstanding dues and or levies and having given the member adequate and reasonable opportunity pay the quantum advised."**

1921 - MEMBER CEASING TO WORK IN INDUSTRY

- (1) Notwithstanding anything contained elsewhere in these Rules, a member who ceases to work in the industry for a period of three months and at the expiration thereof is working in another industry, shall thereupon cease to be a member of the Union, and ~~he~~ **"they"** shall be liable to pay immediately all entrance fees, subscriptions, levies and fines due, and owing by ~~him~~ **"them"** to the Union, and in default of payment ~~he~~ **"they"** may be sued therefore.
- (2) Notwithstanding anything contained elsewhere in these Rules, the Executive may issue to a member who has ceased to work in the industry 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 ~~his~~ **"their"** membership of the Union has been terminated earlier, the person concerned shall cease to be a member of the Union.
- (3) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in the industry, 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 ~~he~~ **"they"** shall be entitled to have issued to ~~him~~ **"them"** by the ~~Division~~ **"Union"** Secretary a "clearance card."
- (4) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in the industry, 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 ~~he~~ **"they"** shall be liable to pay immediately all

entrance fees, subscriptions, levies and fines due and owing by ~~him~~ **“them”** to the Union, and in default of payment ~~he~~ **“they”** may be sued therefore.

- (5) For the purpose of this Rule an employee of the Union shall not be deemed to have ceased work in the industry and shall not be declared to have left the industry.

2022 - OFFENCES AND PENALTIES

- (1) Any member may charge any other member with –
- 2.
 - (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 Division~~; 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) **“knowingly”** divulging the Union’s correspondence or business to persons not entitled to know the same; or
 - (g) **“knowingly”** making false statements or **“knowingly”** giving false information in relation to the affairs of the Union ~~or the Division~~; or
 - (h) wilfully misrepresenting the affairs of the Union ~~or any Division~~; 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 ~~Division~~ **“Union”** Secretary and such complaint shall specify the matter or matters charged.
- (3) The ~~Division~~ **“Union”** Secretary shall summon a member charged before the Executive and such member shall receive from the ~~Division~~ **“Union”** Secretary, at least fourteen days before the meeting of the Executive, 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 Executive finds such a member guilty it may do one or more of the following -
- (a) impose no penalty;
 - (b) impose a censure;
 - ~~(c) fine him any sum not exceeding Fifty Dollars;~~
 - (~~d~~) **“(c)”** suspend ~~him~~ **“them”** from membership or deprive ~~him~~ **“them”** 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 act. Suspension from membership shall deprive a member of benefits of membership but shall not relieve ~~him~~ **“them”** 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;
 - (~~e~~) **“(d)”** expel ~~him~~ **“them”** from the Union.

PROVIDED THAT action shall not be taken under paragraph (~~e~~**“d”**) hereof except on complaint commenced by -

- (i) the Executive on its own motion; or

- (ii) a member in writing signed by the complainant lodged with the ~~Division~~ **“Union”** Secretary specifying the matter or matters charged and requesting that the member charged be expelled.

PROVIDED FURTHER that where a complaint is commenced by the Executive on its own motion the matter or matters the subject of such complaint shall be determined by a meeting of the ~~Division~~ **“Union”** and the provisions of sub-rule (3) and (4) hereof shall apply to such complaint and determination.

2123 - CONFERENCE

- (1) Subject to these Rules the supreme government of the ~~Division~~ **“Union”** shall be vested in Conference.
- (2) Conference shall consist of the ~~Division~~ **“Union”** Executive and ~~one~~ **“delegate”(s) from each of the Zones, the Zone of which and the numbers of delegates for each Zone are set out in Rule 8 Zones of the Union of these rules.”**
- (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 ~~Division~~ **“Union”**, and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the ~~Division~~ **“Union”** Executive, and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the purposes of the ~~Division~~ **“Union”**.
- (b) Conference may exercise any power conferred on it by these Rules notwithstanding that the ~~Division~~ **“Union”** Executive has exercised a like power in the same matter and where a decision of Conference is inconsistent with a decision of the ~~Division~~ **“Union”** Executive, the decision of Conference shall prevail.

2224 - ELECTION OF DELEGATES TO CONFERENCE

- (1) (a) A member shall not be eligible to be a candidate for election as delegate to Conference who has not been a financial member of the Union for a period of one year as at the actual date for closing of nominations.

~~(b) — A member shall not be eligible to be a candidate for election as a delegate to Conference if there is reasonable ground for believing that —~~

~~(i) — within twelve months prior to the date of his nomination, he was a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government; or~~

~~(ii) — he himself advocates or encourages, or has, within twelve months prior to the date of his nomination, advocated or encourages the overthrow by force or violence of the established government of the Commonwealth or a State or of any other civilised country or of organised government.~~

~~(e) — A member shall not be eligible to be or continue to be a delegate to Conference if there is reasonable ground for believing that —~~

~~(i) — he is a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government; or~~

~~(ii) — he himself advocates or encourages, or has, within twelve months prior to the date of his Election, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government.~~

(2) The delegates from a Zone to Conference shall be elected at the same time each four years as the ~~Division~~ “**Union**” election is held for the ~~Division~~ “**Union**” Executive; and in the same manner, and Rule 24 “**26**” of these Rules shall apply, mutatis mutandis, to such election.

”Zone Delegates are to be elected by financial members in the Zone they represent as defined in sub-rules 2-4 of Rule 8 Zones of the Union of these rules.”

23-25- DIVISION UNION EXECUTIVE

- (1) There shall be a ~~Division~~ **“Union”** Executive, which shall consist of the ~~Division~~ President, the ~~Division~~ Vice-President, the ~~Division~~ Treasurer, the ~~Division~~ Secretary, **“the Assistant Secretary**, the ~~Division~~ Trustees (2) and six Committee-Members as elected from time to time.
- (2) The Officers of the ~~Division~~ **“Union”** for the purposes of the ~~Workplace Relations Act 1996~~ **“the Fair Work (Registered Organisations) Act 2009**, shall be as provided for under the term ~~“Officer”~~ **“Office”** in Rule 2 of these Rules.
- (3) Between meetings of Conference the government of the ~~Division~~ **“Union”** in all respects shall be vested in the ~~Division~~ **“Union”** Executive, which for that purpose shall have all the powers, authorities, functions and duties of Conference other than such as are conferred or imposed by Rule 45 **“48”** of these Rules. Nothing in this sub-rule, however, shall affect in any way the powers conferred by these Rules on any specified officer or officers to act in cases of emergency.

2426 - ELECTION OF EXECUTIVE

- (1) ~~(a) A member shall not be eligible for election as a member of the Executive (except committeeman) who has not been a financial member of the Union for a continuous period of two years at the closing of nominations for such elections. A member shall not be eligible for election as a committeeman unless he has been a financial member of the Union for a continuous period of three (3) months at the closing of nominations for such elections. Provided that this sub-rule shall not apply to elections including representatives of the Division to Union Council held before 1 July 2001.~~
- (b) ~~A member shall not be eligible to be a candidate for election as a member of the Executive if there is reasonable ground for believing that~~
 - (i) ~~within twelve months prior to the date of his nomination, he was a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or~~

violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government; or

(ii) ~~he himself advocates or encourages, or has, within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government.~~

(c) ~~A member shall not be eligible to be or continue to be a member of the Executive if there is reasonable ground for believing that—~~

(i) ~~he is a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government; or~~

(ii) ~~he himself advocates or encourages, or has, within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government.~~

(2 “1”) ~~The Division President, Vice President, Treasurer and other members of the Executive other than the Division Secretary shall~~ **“Offices of the Union Executive and as defined in Rule 25 of these Rules shall be elected every four years by secret postal vote of the financial members of the Division“Union. Zone Delegates to Conference shall be elected every four years by secret postal vote of the financial members in the Zone they represent as defined in sub-rules 2-4 of Rule 8 of these rules”**

(3 “2”) ~~The first four yearly election “for all offices” “shall be held in 2001.~~ **“2024 and then every four years thereafter.”**

~~(4) Subject to sub rule (3) hereof the several steps in the conduct of a ballot shall be taken at such times as the Executive determines, and the Executive shall determine these matters not later than the month of June preceding the year in which the ballot relates.~~

~~(5) The Executive shall fix a closing date for the ballot.~~

~~(6) (a) A Returning Officer shall be appointed by Conference and subject to paragraph (b) hereof shall hold office as Returning Officer until his successor is appointed.~~

~~(b) A Returning Officer shall be deemed to have vacated his position—~~

~~(i) upon death;~~

~~(ii) upon becoming of unsound mind;~~

~~(iii) upon receipt by the Executive of notice in writing of resignation signed by him;~~

~~(iv) upon ceasing to be a member of the Union (if he was a member at the date of his appointment); or~~

~~(v) upon becoming an unfinancial member (if he was a member at the date of his appointment);~~

~~_____ and the Executive may terminate the services of a Returning Officer at any time.~~

~~(c) A Returning Officer shall conduct, in accordance with these Rules, all ballots arising during his term of office.~~

~~(d) For the conduct of any such election (including the acceptance or the rejection of nominations) a Returning Officer and an Assistant Returning Officer not being the holder of any office in, and not being an employee of the Union or of a Division of the Union, shall be appointed by Conference and subject to paragraph (c) hereof shall hold office until his successor is appointed.~~

~~(e) An extraordinary vacancy occurring in the office of Returning Officer shall be filled by appointment thereto by the Executive.~~

~~(7) (a) Two Assistant Returning Officers to assist the Returning Officer in his duties shall be appointed by Conference.~~

~~(b) An extraordinary vacancy occurring in the office of Assistant Returning Officer shall be filled by an appointment thereto by the Executive~~

“(3) The conduct of the Election

(a) The Returning Officer

- (i) Each election for an officer of the Union shall be conducted by the Australian Electoral Commission in accordance with the Act and Regulations unless an exemption is granted in accordance with the Act and Regulations. In all circumstances the Returning Officer shall not be the holder of any office the union or an employee of the Union.**
- (ii) The Returning Officer shall ensure, as far as practicable, that no irregularities office in the election of officers of the Union,**
- (iii) The Returning Officer so appointed shall have power to appoint such assistants as he/she deems necessary provided that such assistants shall at all times be subject to the absolute control and direction of the Returning Officer.**

(b) Tenure of Office

- (i) Each Office Holder of the Union shall be elected by secret postal ballot of all members of the union, and shall take office from the declaration of their election, and shall hold office for a period of 4 years or until a successor thereto has been elected and taken office.**

(c) Roll

(i) The roll of voters shall close 7 days prior to the day of which nominations open.

(ii) The Returning Officer shall compile a roll of eligible members for the purpose of any election for Office(s) under these rules. The roll shall be compiled as soon as practicable after the roll of voters closes.

(d) Nominations for Office Holder

(i) A nominee for any Office of the Union shall be a financial member of the Union as at the closing of nominations and shall have been a financial member of the Union for at least one year.

Commented [GU1]: Should this be at the date of closing nominations: see rule 24(1)(a)

(ii) A member of the Union nominated for any Office of the Union shall be nominated by two financial members of the Union.

(iii) Nominations shall be in writing, signed by the nominee and two nominators (who shall be financial members of the Union) and shall be delivered to the Returning Officer, provided that a nominee shall not be eligible to hold more than one office.

(iv) The Returning officer shall call for nominations for the offices by advertising on the Union's "Website and/or by such other approved method as directed by Conference" at least twenty-eight days before the date for closing of nominations which shall be at a time and place or in a manner fixed by the Executive and mentioned in the advertisement.

(v) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply, provided that in the event of the Returning Officer finding a defect in any nomination, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the nominee the opportunity of remedying the defect within 7 days of the nominee having been so notified.

(vi) Nomination for more than one Office

Where the Returning Officer receives from any one candidate nominations for more than One Office, the Returning Office shall notify the candidate of such anomaly and invite the candidate to withdraw all nominations excepting for one office within 7 days.

(e) Ballots

- (i) If more nominations are received than there are vacancies for a position the Returning Officer shall have ballot papers prepared containing the names of the candidates for each position in order determined by lot indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and the time of closing of the ballot.**
- (ii) The Returning Officer shall be responsible for the safe custody of the ballot papers and shall initial every ballot paper prior to distribution.**
- (iii) The Returning Officer shall provide a ballot paper to each member of the appropriate electorate who is eligible to vote and shall arrange for the use of a receptacle to which ballot papers shall be returned to them and after the closing of the ballot the Returning Officer shall collect the ballot papers from such receptacle.**
- (iv) The Returning Officer shall determine the period upon which any election ballot Conducted under this rule. Such voting period shall not be less than 28 days.”**
- (v) Upon collecting the same the Returning Officer shall, in the presence of the scrutineers (if so requested) count all the votes cast in accordance with sub-rule 3(e) of this Rule and, subject to sub-rule (4)(a) of this Rule, declare the result of the ballot.**

(f) System of Voting

- (i) The system of voting in any election for any Office of the Union shall be the first past the post system.**
- (ii) Election of One Candidate Only**
 - (a) Voters shall be required to mark ballot paper by one of the following methods:**
 - Using ticks**
 - Crosses**
 - Numbers**

- **Striking out the names of candidates for whom they DO NOT wish to vote for.**

(b) The result of each ballot shall be ascertained by counting the number of votes shown against the name of each candidate in the ballot, and the candidate with highest number of votes shall be elected.

(iii) Election of more than One Candidate

Voters shall be required to vote by placing either ticks, crosses or numbers in the square next to the name(s) of the candidate(s) for whom the voter wishes to vote for.

- (a) The voter must vote for the number of candidates to be elected.**
- (b) The candidates with the highest number of votes shall be elected.**
- (c) If two or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate is to be elected.**
- (d) A ballot paper shall be informal if marked other than in accordance with this rule.**

(4) Absent Voting

- (a) A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which he/she can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for absent vote to be lodged.**

(5) Scrutineers

- (a) Any candidate may if they so desire appoint a scrutineer who is a member of the Union to represent them at the ballot. Any party appointing a scrutineer shall, within 7 days of closing of nominations, notify the Returning Officer in writing of the name of such scrutineer, who:**
 - (i) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any vote or queries;**
 - (ii) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and**
 - (iii) shall not interfere with or attempt to influence any member at the time such member is casting his/her vote.**

(6) Declaration

- (a) The Returning Officer shall declare the results of the election as soon as practicable after they have ascertained results of the election.**
- (b) Upon declaration of the ballot, the Returning Officer shall seal and retain all ballot papers for a period of twelve months after the conduct of the ballot.**
- (c) The Union shall publish the results of any and all elections held under this rule on its Website and/or other approved method as directed by Conference.”**

~~(8) The Returning officer shall call for nomination for the offices by advertising in the Union’s Official Journal, at least twenty eight days before the date for closing of nominations which shall be at a time and place or in a manner fixed by the Executive and mentioned in the advertisement~~

~~(9) Subject to these Rules, and to any direction by the Executive not contrary to these Rules, a Returning Officer shall determine the procedure for each election provided that:~~

~~(a) The Division Secretary shall compile a roll of members eligible to vote containing the names and addresses of all such members, and for this purpose no names of members who become financial after the date of closing of nominations shall be included. The roll of voters for any ballot shall close seven days before the day on which nominations for the election open.~~

~~(b) Nominations in writing, signed by the candidate and endorsed by at least three financial members must be made at the time and place, or in the manner mentioned in the advertisement. If the Returning Officer finds any nomination to be defective he shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, shall give such member seven (7) days from the date of his being so notified in which to remedy the defect. A candidate shall not be permitted to nominate for more than one position on the Executive.~~

~~(c) Where, after the closing of nominations, there are more candidates than the number required for any office, the Returning Officer shall have ballot papers printed and obtain a certificate as to the number of ballot papers printed and that he shall forthwith notify each candidate whether or not there are more than the required number of candidates for the office for which the candidates have nominated.~~

~~(d) — The names of candidates for any position shall be printed on that portion of the ballot paper relating to the election for that position in such order as is determined by lot drawn by the Returning Officer in the presence of, at least, one Assistant Returning Officer and the Scrutineers.~~

~~(e) — Ballot papers issued to voters shall be numbered with distinguishing numbers or letters to identify with the Branches in order that the Returning Officer may complete his Return. Each ballot paper shall be initialled by the Returning Officer before being forwarded to a voter.~~

~~(f) — The Returning Officer in conducting the secret postal ballot shall forward by pre-paid post ballot paper to each member recorded on the roll of members as prescribed in this Rule so as to reach him at least twenty one days before the closing of the ballot.~~

~~(g) — The ballot paper may be returned in a stamped envelope (provided by the Returning Officer at no expense to the voter) addressed to a private post office box and being a private box used exclusively for that purpose, rented in the name of the Union and the keys of such box shall, before the ballot papers are sent out be placed in the hands of the Returning Officer or may be placed in a sealed ballot box provided for that purpose by the Returning Officer.~~

~~(h) — The Returning Officer may collect the ballot papers from the post office box and retain them in a sealed ballot box pending the completion of the ballot. The Returning Officer shall collect all of the ballot papers returned. The Returning Officer shall proceed to the count or counting of the ballot at noon on the day of the closing.~~

~~(i) — The Returning Officer shall declare the result of each ballot to the next meeting of the Executive after he has completed the counting of votes, and he shall present to the Executive at that meeting a detailed Return of the voting for each position, showing how each Branch voted, which Return shall be certified as correct by the signatures of the Returning Officer and the Assistant Returning Officers.~~

~~(j) — The Union shall publish the Returning Officer's return on the Union's Website and/or by such other approved method as directed by Conference.~~

~~(k) — Any candidate in any ballot may nominate in writing to the Returning Officer at the time of his nomination, one scrutineer to represent him. The candidate may, at any time, by notice in writing given to the Returning Officer change the scrutineer representing him. A scrutineer shall not be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the candidate at all stages of the ballot. The duties of the scrutineer shall be to represent the interests of the candidate who nominated him to attend at any stage of the ballot as requested by the candidate, and to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to his notice.~~

~~“(l) — All elections for Offices under these rules shall be by the first past the post method”.~~

~~(10) — The non receipt of a ballot paper by any member shall not invalidate any election or plebiscite.~~

~~(11) — Every person concerned with the election shall ensure as far as practicable that no irregularity occurs in connection with the election.~~

~~(12) Any reference in this rule to a “stamped envelope” shall be taken as a reference to a prepaid envelope and a declaration envelope in the form prescribed by the regulations made under Schedule 1B of the Workplace Relations Act 1996.~~

~~25~~ – ELECTION OF UNION COUNCILLORS

- ~~(1) The Division Secretary shall be a representative of the Division to Union Council.~~
- ~~(2) At the same time as the election of the Division Executive, and in the same manner, the Division shall elect the remaining representatives of the Division to the Union Council whom it is entitled to elect pursuant to Rule 14 of the Rules of the Union, and Rule 24 of these Rules shall apply, mutatis mutandis, to such election.~~
- ~~(3) Upon the election of the representatives of the Division the Division Secretary shall notify their names and addresses to the Union Secretary.~~
- ~~(4) In the event of an extraordinary vacancy occurring in the office of a Union Councillor representing the Division, an election shall be held to fill such vacancy in the same manner prescribed in sub-rule (2) of this Rule. Provided that when the remainder of the term is less than twelve months, then the Executive may appoint a member eligible to fill such vacancy.~~

~~26-27~~ EXECUTIVE AND CONFERENCE VACANCY

- ~~“(1) An extraordinary vacancy occurring in a Division “the Union” Executive “or the Union Conference” shall be filled by secret postal vote of the financial members of the Division “Union” in the same manner as prescribed in Rules 24 and “26”, mutatis mutandis, - Provided that where the remainder of the term is less than twelve (12) months the Division Executive may appoint a member eligible to fill such vacancy. - “The successful candidate shall hold office for the balance of the term.”~~
- ~~“(2) Where the unexpired term of the Office is less than three quarters of the term of the Office then the Union executive may appoint an eligible member to be the holder of that Office for the balance of the term.”~~

~~2728~~ - ~~DIVISION~~ UNION” PRESIDENT

- (1) The ~~Division~~ **“Union”** President shall -
 - (a) be ~~Chairman~~ of Conference and of meetings of the ~~Division~~ **“Union”** Executive or of members or representatives of the Division at which ~~he is~~ **“they are”** present;
 - (b) superintend the discussion of all business tabled for consideration at such a meeting;
 - (c) enforce the Rules of the ~~Division~~ **“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 ~~he~~ **“they”** shall have a casting vote only;
 - (e) sign the minutes of the proceedings of meetings adopted by a meeting at which ~~he is~~ **“they are”** present.
- (2) The ~~Division~~ **“Union”** President shall be paid such honorarium as may be prescribed by Conference from time to time.

2829 - ~~DIVISION~~ UNION VICE-PRESIDENT

- (1) (a) The ~~Division~~ **“Union”** Vice-President shall assist the Division President in the discharge of the duties of ~~his~~ **“their”** office.
- (b) In the absence of the ~~Division~~ **“Union”** President from a meeting of which ~~he~~ **“they”** would, if present, be ~~Chairman~~, the ~~Division~~ **“Union”** Vice-President shall be ~~Chairman~~ of such meeting and for that purpose shall have all the duties and may exercise all the powers of the ~~Division~~ **“Union”** President.
- (2) The ~~Division~~ **“Union”** Vice-President may be paid such honorarium as may be prescribed by Conference from time to time.

2930 - ~~DIVISION~~ UNION SECRETARY

- (1) (a) The ~~Division~~ **“Union”** Secretary shall be elected each four years by secret postal financial members of the Union attached to the ~~Division~~, **“Union”** and from amongst such members. ~~Provisions of Rule 24 “25” of these Rules insofar as the same are applicable shall apply, mutatis mutandis, to any such election.~~
- (b) A member shall not be eligible for election as ~~Division~~ **“Union”** Secretary who has not been a financial member of the Union for a continuous period of ~~two~~-**“one”** years as at the actual date for the closing of nominations for such election.
- (c) ~~The provisions of (1)(b) and (c) of Rule 24 “25” of these Rules insofar as the same are applicable in terms of eligibility shall also apply, mutatis mutandis, to the office of Division “Union” Secretary.~~
- (d) ~~The first four yearly election in respect of the office of Division “Union” Secretary shall be held in 2001.~~
- (2) ~~The tenure of office of the Division Secretary in any event shall expire at the age of 65, but the Division Secretary may be suspended or removed from his office pursuant to Rule 33 of these Rules and his office shall also become vacant pursuant to Rule 33 of these rules: Provided that if the Division Secretary is removed from his office then unless the removal is not to take effect for a period of one month after the date of written notification to him of the decision to remove him he shall be paid forthwith one month’s salary: Provided further that the Division Secretary shall give one month’s notice of resignation.~~
- (3~~“2”~~) The ~~Division~~ **“Union”** Secretary shall be paid such salary, and shall enjoy such other conditions of employment, as may be prescribed by Conference from time to time.
- (4~~“3”~~) The ~~Division~~ **“Union”** Secretary shall be the chief administrative officer of the ~~Division~~ **“Union”**, and, subject to any direction given to ~~him~~ **“them”** by Conference or the ~~Division~~ **“Union”** Executive, shall:
- (a) control and manage the office and employees of the ~~Division~~ **“Union”**;

- (b) have charge of the records of the ~~Division~~ “Union” and be responsible for the recording, filing and safe keeping thereof;
 - (c) keep accurate, permanent records of the activities of the ~~Division~~ “Union” and of all property of the Union in the hands of the ~~Division~~ “Union”;
 - (d) see that the accounts of the ~~Division~~ “Union” are kept and presented for audit in accordance with these Rules;
 - (e) prepare and furnish all returns, statements, declarations or the like required by law;
 - (f) prepare a report for each meeting of Conference setting out the activities of the ~~Division~~ “Union” since the immediately preceding report;
 - (g) prepare a financial statement for each meeting of Conference, or more often if so directed by the ~~Division~~ “Union” Executive, setting out the financial dealings of the ~~Division~~ “Union” since the immediately preceding report and the financial position of the ~~Division~~ “Union” as at the date of the report;
 - (h) have authority to represent the Union in such cases as the Union Council or the Union Executive authorises, and to represent the Division in such cases as Conference or the ~~Division Executive~~ authorises;
 - (i) generally perform such other duties as are allocated to ~~him~~ “them” by Conference or the ~~Division~~ “Union” Executive from time to time; and
 - (j) hand over all books and other property belonging to the Union or the ~~Division~~ in his “their” hands as directed by Conference or the ~~Division~~ “Union” Executive.
- (3) ~~The Division Secretary, immediately upon his taking office, shall give a security in the sum of Two Hundred Dollars, or such larger sum not exceeding Four Hundred Dollars as Conference may determine, by a guarantee bond taken out in any guarantee society approved by the Division Executive. The policy shall be an annual one and the premiums thereon shall be paid by the Union out of Division Funds.~~

“31-UNION ASSISTANT SECRETARY

- (1) **There shall be an Assistant Union Secretary of the Union who shall be elected by a direct voting system in a secret postal ballot. The term of office of each Assistant Union Secretary shall be four years and shall commence and conclude at the same times as the term of office of the Union Secretary.**
- (2) **If the Union Secretary is unable to act then an Assistant Union Secretary shall act as the Union Secretary.**
- (3) **In the absence of the Secretary for any reason whatsoever, the Assistant Secretary shall have the same powers, responsibilities, rights and privileges as that of the Secretary as set out in Rule 30 sub-rule (3).”**

3032 – ~~DIVISION~~ UNION TREASURER

- (1) The ~~Division~~ “Union” Treasurer shall -
 - (a) sign all ~~cheques~~ **financial transaction documents** as required by these Rules;
 - (b) check the accounts of the ~~Division~~ “Union” as kept by the ~~Division~~ “Union” Secretary;
 - (c) present ~~bank pass-books~~ of all accounts of the ~~Division~~ “Union” to each meeting of Conference and the ~~Division~~ “Union” Executive;
 - (d) generally perform such other duties as are allocated to ~~him~~ **“them”** by Conference or the ~~Division~~ “Union” Executive from time to time; and
 - (e) hand over all books and other property belonging to the Union or ~~the Division~~ in his **“their”** hands as directed by Conference or the ~~Division~~ “Union” Executive.
- (2) The ~~Division~~ “Union” Treasurer may be paid such honorarium as may be prescribed by Conference from time to time.

3133 – DIVISION UNION TRUSTEES

- (1) (a) A member shall not be eligible for election as a ~~Division~~ “**Union**” Trustee who has not been a financial member of the Union for a period of one year as at the date of the closing of nominations for such election.
- (b) ~~A member shall not be eligible for election as a Division “Union” Trustee if there is reasonable ground for believing that:~~
- (i) ~~within twelve months prior to the actual opening date of the calling of nominations, he was a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government; or~~
 - (ii) ~~he himself advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government.~~
- (c) ~~A member shall not be eligible to be or continue to be a Division “Union” Trustee if there is reasonable ground for believing that:~~
- (i) ~~he is a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government; or he himself advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the~~

~~overthrow by force or violence of the established government of the Commonwealth or of a State, or of any other civilised country or of organised government.~~

- (2) Real estate and securities belonging to the Union ~~in the hands of the Division~~ shall be vested in the ~~Division~~ **“Union”** Trustees for the time being, who shall hold it and/or them in trust for the Union.
- (3) With respect to real estate and securities vested in them pursuant to this Rule the ~~Division~~ Trustees shall be subject to lawful directions by the **“Union”** Executive.
- (4) ~~The provisions of Rules 24, 26, 32, and 33 of these Rules shall apply, mutatis mutandis, to the position of Division Trustees.~~

3234 - VACATION OF DIVISION UNION EXECUTIVE AND OFFICE

~~The seat of a member of the Division Executive or the office of an officer of the Division~~ **“An Office of the Union”** shall be deemed to have become vacant -

- (a) upon the death of the occupant;
- ~~(b) upon the occupant becoming of unsound mind;~~
- ~~(c “b”)~~ upon receipt by the ~~Division~~ **“Union”** of notice in writing of resignation of the occupant signed by him;
- ~~(d “c”)~~ upon the occupant ceasing to be a member of the Union;
- ~~(e “d”)~~ upon the occupant becoming an unfinancial member; ~~or~~
- ~~(f) upon the removal of the occupant pursuant to Rule 33 of these Rules.~~

3335 - SUSPENSION AND REMOVAL FROM EXECUTIVE AND OFFICE

- (1) A person elected to any office within a ~~Division~~ of the Union may be dismissed from office by the Conference or Executive ~~of that Division~~ if found guilty of:
 - (a)
 - (i) misappropriation of the Funds of the Union;
 - (ii) substantial breach of the Rules of the Union; ~~or Division~~;
 - (iii) gross misbehaviour;
 - (iv) gross neglect of duty; or
 - (b) has ceased, according to the Rules of the Union to be eligible to hold office.
- (2)
 - (a) Subject to sub-rule (1) hereof the ~~Division~~ **“Union”** Conference or Executive may dismiss an officer ~~or the Division~~ from his **“their”** office at a meeting of the Conference or Executive to which the officer concerned has been summoned in writing, signed by the ~~Division~~ **“Union”** Secretary or the ~~Division~~ **“Union”** President, to show cause why ~~he~~ **“they”** should not be so dismissed.
 - (b) An ~~officer~~ **“office holder”** summoned to show cause pursuant to this sub-rule shall be given twenty-one days’ notice of the date, time and place of the meeting to which ~~he is~~ **“they are”** summoned: Provided that less than twenty-one days’ notice may be given if the ~~officer~~ **“office holder”** so consents. The notice summoning ~~him~~ **“them”** shall also specify the ground or grounds upon which it is proposed to consider such dismissal.
- (3) The ~~Division~~ **“Union”** Executive may suspend from office, the holder of any ~~Division~~ office, who is summoned to show cause why ~~he~~ **“they”** should not be dismissed from such office, until the ~~Division~~ **“Union”** Conference or Executive makes a decision as to whether or not such ~~officer~~ **“office holder”** should be dismissed from office. Provided that the charge against such ~~officer~~ **“office holder”** shall be dealt with by the Executive within one (1) month of the date of the suspension of the ~~officer~~ **“office holder”** concerned. Should the ~~Division~~ **“Union”** Secretary be suspended, the Executive shall determine whether salary shall be paid to ~~him~~

“them” during the period of suspension, and if so, what amount. Where the charge against the officer “office holder” is dismissed by the Executive then the officer “office holder” concerned shall be paid his “their” salary for the full period of his “their” suspension.

3436 - MEETINGS OF CONFERENCE

- (1) Conference shall meet at such time and place as the ~~Division~~ “Union” Executive may determine from time to time.
- (2) At a meeting of Conference, a quorum shall be half the number of delegates “(including those attending by telephone or video link)”, and in the absence of a quorum at any time Conference shall not proceed.
- (3) In the event of the ~~Division~~ “Union” President and the ~~Division~~ “Union” Vice-President being absent from a meeting of Conference, then the delegates present shall elect a Chairman of the meeting.

“(4) Where any member of Conference cannot attend a meeting in person, they may attend by way of telephonic or video link or any other such approved method as approved by the Conference, provided that Executive Officers shall have all papers necessary to carry out the duties properly.”

3537 - MEETINGS OF ~~DIVISION~~ “UNION” EXECUTIVE

- (1) Meetings of the ~~Division~~ “Union” Executive shall be held at such time and place as the ~~Division~~ “Union” Executive may determine from time to time: Provided that the ~~Division~~ “Union” Secretary may summon a meeting of the ~~Division~~ “Union” Executive at any time, and he shall do so whenever so directed by the ~~Division~~ “Union” President.
- (2) At a meeting of the ~~Division~~ “Union” Executive a quorum shall be ~~seven~~ “one half of the executive being present (including those attending by telephone or video link)”, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the ~~Division~~ “Union” Executive the meeting shall lapse.
- (3) In the event of the ~~Division~~ “Union” President and the ~~Division~~ “Union” Vice-President being absent from a meeting of the ~~Division~~ “Union” Executive, then the members present shall elect a Chairman of the meeting.

- (4) Where any member of Executive cannot attend a meeting in person, they may attend by way of telephonic or video link or any other such approved method as approved by the Executive, provided that Executive Officers shall have all papers necessary to carry out the duties properly. Further, where voting is conducted using telephonic and or video link or other such approved method a proper attainable record shall be maintained of the voting.
- 3.

~~35A38~~ - GENERAL MEETINGS OF ~~DIVISION~~ THE UNION

- (1) Ordinary meetings of the ~~Division~~ “**Union**” shall be held at such time, place and date as determined by the ~~Division~~ “**Union**” Executive provided that a minimum of 21 days’ notice shall be provided to members by publication on the ~~Division’s~~ “**Union’s**” website (and/or other means of communication that are suitable) of the time, place and date of the proposed meeting of members.

There shall be a minimum of four (4) general meetings of members per year.

- (2) A quorum for an ordinary meeting of the ~~Division~~ “**Union**” shall be 10 financial members, and a quorum for a special meeting of the ~~Division~~ shall be 25 financial members, and in the event of a quorum not being present within thirty minutes of the appointed time for the meeting the meeting shall lapse.

~~3639~~ - ORDER OR BUSINESS AND STANDING ORDERS

- (1) At meetings of Conference or the ~~Division~~ Executive the following Order of Business shall be observed:
- (a) Call to order.
 - (b) Reading and confirmation of Minutes.
 - (c) Reading of correspondence and consideration of same.
 - (d) Announcing names of new members.

- (e) Announcing notifications of resignations.
 - (f) Passing of accounts.
 - (g) Reports (including ~~Division~~ Secretary's report and financial statement).
 - (h) Business arising thereon.
 - (i) Auditor's report and balance sheet.
 - (j) Unfinished business.
 - (k) New business in the order arranged on the agenda paper.
- (2) The Standing Orders for meetings of Conference or the ~~Division~~ Executive shall be as follows:
- (a) When the ~~Chairman~~ rises in his place during the meeting, any member speaking or about to speak shall resume his seat and the ~~Chairman~~ shall be heard in silence.
 - (b) A member, when about to speak, shall rise and address the ~~Chairman~~, and shall conduct ~~himself~~ **“themselves”** in a respectful manner towards the ~~Chairman~~ and towards the meeting.
 - (c) Any member desirous of moving a motion shall, if requested by the ~~Chairman~~, submit the same in writing duly signed by the mover.
 - (d) No motion or amendment shall be open for discussion, unless it has been seconded, provided that any member may second a motion or amendment “pro forma”, and speak to such motion or amendment later.

- (e) Only one amendment shall be before the meeting for discussion at any one time, but any member desirous of moving a further amendment may “foreshadow” such further amendment during the discussion of the amendment before the meeting.
- (f) An amendment to any motion shall always be put to the meeting before the motion. In the event of the amendment being carried, it shall thereupon become the motion.
- (g) If a further amendment be moved it shall be an amendment to the motion in its amended form.
- (h) It shall not be competent for the ~~Chairman~~ to accept an amendment which is a direct negative of the motion.
- (i) No member shall be allowed to speak more than once, and the mover and seconder of a motion shall be deemed to have spoken, subject, however, to paragraph (d) hereof, and except also for the purpose of making an explanation or correcting a misstatement. The mover of a motion only shall have the right of reply.

4.

- (j) The mover of a motion shall be allowed five minutes and all other speakers three minutes in which to speak, provided that if majority of those present vote in the affirmative on a motion to that effect any speaker may be allowed an extension of time.
- (k) Any member may rise to a point of order, whereupon the speaker shall resume his seat and the ~~Chairman~~ shall determine the point of order forthwith. No discussion shall be permitted on the point of order.
- (l) At any stage of the debate any member may move that “the question be now put”. Such closure motion upon being duly seconded shall be put without debate. The carrying of a closure motion shall entail the submission of the motion at once to the meeting after the mover has replied if he so desires.
- (m) If the ruling of the ~~Chairman~~ on any matter causes dissatisfaction, it shall be competent for any member present to move dissent, provided that five others rise in their places to support the motion of dissent.

- (n) Voting shall be on the voices, but the ~~Chairman~~, or any member rising in his place, may demand a show of hands.
 - (o) Except where otherwise provided for to the contrary, all motions shall be carried by majority of members present and voting.
 - (p) Any member may move for the rescission of a resolution, provided he gives fourteen clear days' notice in writing of such intention to the ~~Division~~ Secretary. A rescission motion shall be deemed to be negated unless supported by at least two-thirds of the members present and voting.
- (3) Notwithstanding anything hereinbefore contained, a meeting of Conference or of the ~~Division~~ Executive, as the case may be, may, for that meeting, suspend or vary the foregoing Order of Business or Standing Orders.

3740 - EMPLOYEES OF ~~DIVISION~~ UNION

- (1) The ~~Division~~ "Union" may employ such persons for the purpose of carrying out these Rules as the ~~Division~~ "Union" Executive thinks necessary. Every such employee shall be employed during the pleasure of the ~~Division~~ "Union" Executive only, and shall be employed upon such terms and conditions as the ~~Division~~ "Union" Executive may prescribe from time to time.
- (2) The Executive may appoint collectors for the purpose of collecting moneys due and owing to the Union by members. Collectors shall hold their appointment during the pleasure of the Executive only, and shall be appointed upon such terms and conditions as the Executive may prescribe from time to time.
- (3) ~~Provided further that no such employee shall be employed after the age of sixty-five years.~~

3841 - APPEALS

- (1) From any decision of the ~~Division~~ "Union" Executive an appeal shall lie to Conference, and not otherwise.

~~(2) From any decision of Conference an appeal shall lie to the Union Council.~~

(3~~“2”~~) Every appeal from a decision shall be made within fourteen days next after the date of such decision, and shall be by notice in writing lodged with the ~~Division~~ “Union” Secretary where the appeal is being made to Conference or lodged with the Union Secretary, where the appeal is being made to Union Council, 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.

(4~~“3”~~) Notice of the date, time and place of hearing of an appeal to Conference shall be given to the appellant and to any other party to the appeal at least seven days before the date of such hearing. ~~In the case of an appeal to Union Council a like notice shall be given at least twenty-one days before the date of such hearing.~~

(5~~“4”~~) Subject to ~~Rule 81~~ of the Rules of the Union every party to an appeal shall be entitled to be present at the hearing of the appeal, and to be heard.

(6~~“5”~~) On any appeal the appellate body may affirm, reverse or otherwise alter (in whole or in part) the decision appealed against.

3942 - POWER TO IMPOSE LEVY

~~“(1) The Division~~ “Union” Executive may impose at any time a levy upon the members of the Union ~~attached to the Division in furtherance of the purposes of the Division~~ as prescribed by ~~Rule 4~~ of these Rules, and it may prescribe the conditions necessary or convenient to give effect to the imposition of such levy: Provided that not more than Twenty Dollars in the aggregate shall be imposed as levy in any financial year.

4043 - ADEQUACY OF NOTICE

~~“(1) 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 15 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.~~

4144 - ILLEGAL STRIKE

“(1)” Neither the ~~Division~~ **“Union”** nor any of the members shall take part in, aid or abet an illegal strike, nor shall the ~~Division~~ **“Union”** or any of the 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.

45 - AFFILIATION

(1) The ~~Division~~ **“Union”** may affiliate with a body established for the protection and promotion of the cause of Labor in the geographic territory of the ~~Division~~ **“Union”** by decision of the ~~Division~~ **“Union”** Executive and upon such terms and in such manner as the ~~Division~~ **“Union”** Executive by its decision prescribes, provided that any such affiliation may be nullified by the Union ~~Council~~ **“Conference”**.

~~(2) (a) The Communist Party or a body allied or associated with the Communist Party or a group of individuals allied or associated with the Communist Party shall be deemed to be not a body established for the protection and promotion of the cause of Labor.~~

~~(b) For the purpose of this sub-rule the expression “a body allied or associated with the Communist Party” and the expression “a group of individuals allied or associated with the Communist Party” means a body or group of individuals declared by the Union Council or by the Australian Labor Party (including a State Branch thereof) to be a body or group allied or associated with the Communist Party.~~

~~(3) Where the term of any such affiliation is that the Division 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 Division Executive, and Rule 24 of these Rules shall apply, mutatis mutandis, to such an election.~~

4346 - INSPECTION OF BOOKS

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

44-47 - COPY OF RULES

Upon ~~his~~ **“their”** admission to membership a member, upon application, shall be entitled to receive free of charge from the ~~Division~~ **“Union”** Secretary 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.

A member, upon application, may at any time obtain additional copies of these Rules ~~upon the payment of the sum prescribed by the Division~~ **“from the Union”** Secretary.” ~~for each additional copy.~~

45-48 - ALTERATION OF RULES

- ~~(1) A Rule of the Division the terms of which are required to be in identical terms with a Rule of the Union may only be amended or repealed by the Union Council.~~
- ~~(2) A Rule of the Division the terms of which are, pursuant to the Rules of the Union, within the discretion—limited or unlimited—of Conference or the Division Executive may be amended by Conference or the Division Executive, as the case may be, provided that any such amendment is not inconsistent with the Rules of the Union or with these Rules and is approved by the Union Council.~~
- ~~(3) A Rule of the Division relating to any subject matter as to which the Rules of the Union make it lawful for the Rules of a Division to provide may be amended or repealed or new Rules may be made by Conference, provided that any such amendment, repeal or new Rule is not inconsistent with the Rules of the Union or with these Rules and is approved by the Union Council.~~
- ~~(4) A Rule of the Division may not be amended by the Division Executive unless one month’s notice in writing of the proposal has been given to the Division Secretary, and a Rule of the Division may not be amended or repealed nor may a new Rule be made by Conference unless two month’s notice in writing of the proposal has been given to the Division Secretary.~~

“(1) These Rules may be amended or repealed, or new Rules may be made, by the Union Conference”.

4649 - LOANS, GRANTS OR DONATIONS

~~“(1)”~~ A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this Division unless the ~~Division~~ **“Union** Executive:-

- (a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the ~~Division~~; **“Union”** and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

~~47 - TRANSITIONAL PROVISION - VACANCIES UPON REGISTRATION~~

~~(1) Upon registration of the Union and certification of the Rules of the Union, the vacant positions on:~~

- ~~(a) the Union Council; and~~
- ~~(b) the Union Executive; and~~
- ~~(c) the Western Australian Division Conference; and~~
- ~~(d) the Western Australian Division Executive; and~~
- ~~(f) Any other vacant positions in the Union;~~

~~shall be temporarily filled by those executives, representatives and office holders of the now de-amalgamated Local Government, Community Services, Public Authorities and Racing (MEU) Western Australian Branch of the Australian Municipal, Administrative, Clerical and Services~~

Union, so that the vacant positions in the Union and Divisions of the Union are filled by people holding similar positions in the Local Government, Community Services, Public Authorities and Racing (MEU) Western Australian Branch of the Australian Municipal, Administrative, Clerical and Services Union until such time that elections can be held in accordance with these Rules and the Rules of the Divisions.

“50 - 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 funds shall be placed in a bank in the names of trustees appointed for the purpose by ballot among the remaining members and shall be used only for the purpose of reorganising the Union.”**

"51 – HOLDING OVER OF OFFICE

- (1) In the event of any delay for any reason in the conduct of election of any Office as prescribed in ~~PARTS ONE, and TWO of the Rules of Organisation, and in the WESTERN AUSTRALIAN DIVISION GENERAL RULES,~~ in these Rules, the existing Office holder shall continue to hold office and perform the role of the Office in full until the date of the Declaration of Election is issued by the Returning Office in respect of those elections.”**

“52 - INITIATION OF LEGAL PROCEEDINGS

- (1) Legal proceedings may be initiated, and matters may be brought before the Fair Work Commission or other tribunal or authority by the Union Secretary and or the Union Assistant Secretary. In the case of the inability for whatever reason of both the Union Secretary and Union Assistant Secretary to legal proceedings or matter as per this rule then the Union Executive shall have the power to delegate this authority to another office holder or employee of the Union.”**

“53 - EXECUTION OF DOCUMENTS

- (1) Industrial agreements and other documents may be executed by or on behalf of the Union by the signature of an officer (as defined) of the Union.”**

“54- MINUTE BOOKS

- (1) The Union shall keep minute books for all meetings of the Union Conference, Union Executive and Meeting of the Union, which books shall record the proceedings and resolutions of the respective meeting as described in this rule.”**

“55 - REVIEW OF A DECISION OF THE UNION CONFERENCE AND OR THE UNION EXECUTIVE

- (1) Any decision of the Union Conference and or the Union Executive may be altered or annulled by affirmative vote of members present and quorate at a General Meeting of the Union.**
- (2) Subject to sub-rule (1) hereof, the Union Secretary on receipt of a written request for a review of any decision of the Union Conference and or the Union Executive signed by not less than 25 financial members shall call a General Meeting of the Union to enable the written request to be heard and dealt with at the meeting. Such meeting shall be held no later than (8) weeks from the date upon which the request is received by the Union Secretary”.**

“56 - SPECIAL GENERAL MEETING TO CONSIDER FINANCIAL REPORTS

(1) Where no less than 5 percent of members of the Union petition the Union Secretary for a special general meeting of the Union for the specific purpose of considering the:

- i) Auditor’s report
- ii) General purpose financial report and
- iii) Operating report,

The Union Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted on a conspicuous place at each member’s place of employment or by email communication to each member or by notice published on the Federation website to all members who have immediate access to that website.

(2) A General meeting of the members of the Union called pursuant to this Rule may be conducted as a series of meetings held at different locations. A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last of the meetings in any series of meetings.”

“57 - ORGANISATION POLICIES AND PROCEDURES

(1) The Union shall maintain and implement policies and procedures relating to the expenditure, management and control of the union.”

**“58- TRANSITIONAL PROVISIONS UNION COUNCIL, UNION EXECUTIVE,
WESTERN AUSTRALIAN DIVISION CONFERENCE, WESTERN AUSTRALIAN
DIVISION EXECUTIVE AND OTHER VACANT POSITIONS**

(1) On certification of this transitional rule, the following committees shall be abolished:

- Western Australian Division Executive, and
- Western Australian Division Conference.

(2) On certification of this transitional rule, the following offices shall be abolished:

- i. Western Australian Divisional President,
 - ii. Western Australian Divisional Vice-President,
 - iii. Western Australian Divisional Treasurer,
 - iv. Western Australian Divisional Secretary,
 - v. Western Australian Divisional Trustee,
 - vi. Western Australian Divisional Committee Members,
 - vii. Zone Delegates to Western Australian Divisional Conference,
 - viii. Three Union Vice-Presidents (noting that at the time of certification of this transitional rule, three Union Vice-President offices are vacant), and
-

(3) As soon as practicable after the certification of this transitional rule there shall an election for the following offices (the 2024 election):

- i. Union President,**
- ii. Union Vice-President,**
- iii. Union Treasurer,**
- iv. Union Secretary,**
- v. Union Assistant Secretary,**
- vi. Union Trustees (2),**
- vii. Union Executive Committee Members (6),**
- viii. Union Conference Delegate, Metropolitan Zone,**
 - ix. Union Conference Delegate, Rural Zone (4), and**
- x. Union Conference Delegate, General Zone.**

(4) On certification of this transitional rule, the persons holding the following offices will continue to hold that office until the declaration of the 2024 election:

- i. Union President,**
- ii. Union Vice-President,**
- iii. Union Treasurer,**
- iv. Union Secretary,**
- v. Union Assistant Secretary,**
- vi. Union Trustee,**
- vii. Western Australian Divisional Representatives to Union Council.**

(5) On certification of this transitional rule, the Union Council will continue to exist and retain the powers and duties as specified in the Rules of this Union prior to certification of this transitional rule.

(6) On the declaration of the 2024 election, the Union Council will be abolished and the Union Executive and Union Conference will be created.

(7) On certification of this transitional rule, the current term of office for the Union Secretary and the Union Assistant Secretary will be truncated by twelve (12) months.

(8) The term of office for all office holders elected in the 2024 election will be four years.

PART FOUR — ~~RULE ARISING UNDER NEW ACCOUNTABILITY REQUIREMENTS OF THE FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT ACT 2012~~

~~1 — ORGANISATION POLICIES AND PROCEDURES~~

~~The union and its divisions shall develop and implement policies and procedures relating to the expenditure of the union and its divisions.~~

2 — DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

Alternative Rule for Union

A. — ~~Each officer of the union shall disclose to the union any remuneration paid to the officer:~~

~~— a) — because the officer is a member of a board, if:~~

~~— i. — the officer is a member of the board only because the officer is an officer of the union; or~~

~~— ii. — the officer was nominated for the position as a member of the board by the union, or a division(s) of the union, or by a peak council; or~~

~~b) — by any related party of the union in connection with the performance of the officers' duties as an officer.~~

B. — ~~The disclosure required by sub-rule (A) shall be made to the union:~~

~~— a) as soon as practicable after the remuneration is paid to the officer; and~~

~~— b) in writing.~~

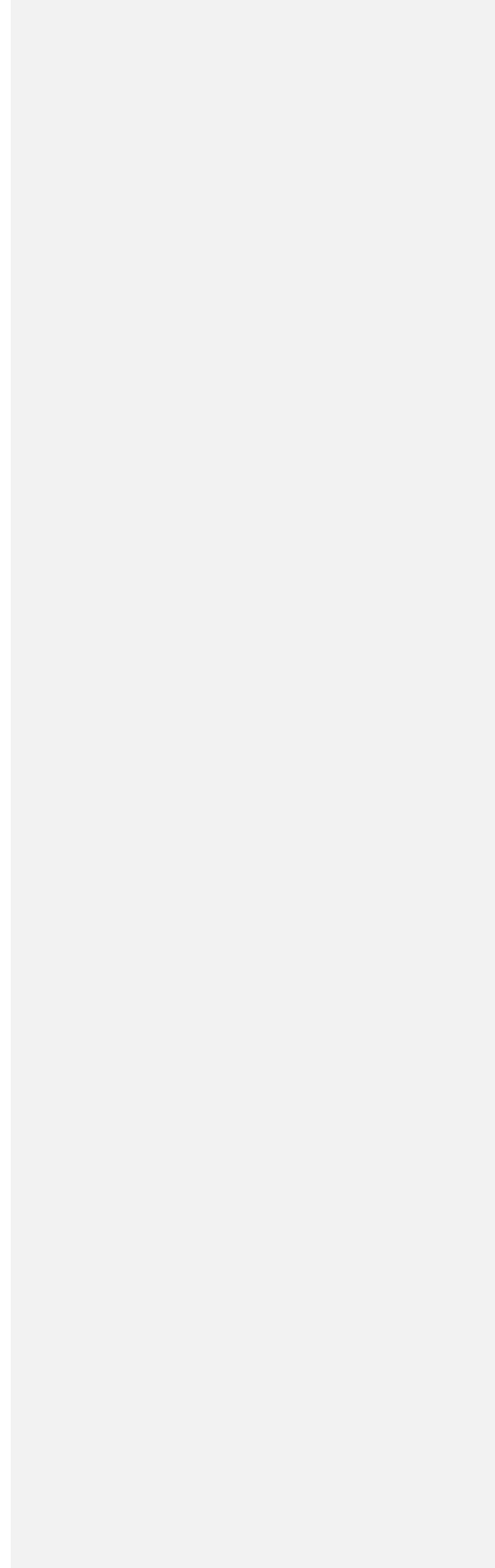
C. — ~~The union shall disclose to the members of the union and its division(s):~~

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

~~b) for each of those officers:~~

~~i. the actual amount of the officer's relevant remuneration for the disclosure period; and~~

~~ii. either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.~~



D. — For the purposes of sub-rule (C), the disclosure shall be made:

- a) — in relation to each financial year;
- b) — within six months after the end of the financial year; and
- c) — in writing.

Alternative Rule for Division(s)

E. — Each officer of a division shall disclose to the division any remuneration paid to the officer:

- a) — because the officer is a member of a board, if:
 - i. — the officer is a member of the board only because the officer is an officer of the division; or
 - ii. — the officer was nominated for the position as a member of the board by the division, or a peak council; or
- b) — by any related party of the division in connection with the performance of the officers' as an officer.

F. — The disclosure required by sub-rule (E) shall be made to the division:

- a) — as soon as practicable after the remuneration is paid to the officer; and
- b) — in writing.

G. — A division shall disclose to the members of the division:

- a) — the identity of the officers who are the two highest paid in terms of relevant remuneration for the disclosure period, and

~~— b) — for each of those officers:~~

~~— iii. — the actual amount of the officer's relevant remuneration for the disclosure period; and~~

~~— iv. — either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.~~

H. ~~For the purposes of sub-rule (G), the disclosure shall be made:~~

~~— a) — in relation to each financial year;~~

~~— b) — within six months after the end of the financial year; and~~

~~— c) — in writing.~~

~~3 – DISCLOSURE OF OFFICER'S MATERIAL PERSONAL AND FINANCIAL INTERESTS~~

~~Alternative Rule of Union~~

A. ~~Each officer of a union shall disclose to the union any material personal interest in a matter that:~~

~~— a) — the officer has or acquires; or~~

~~b) — a relative of the officer has or acquires;~~

~~that relates to the affairs of the organisation.~~

B. ~~The disclosure required by sub-rule (A) shall be made to the union:~~

~~— a) — as soon as practicable after the interest is acquired; and~~

~~— b) — in writing.~~

~~C.—The union shall disclose to the members of the union and its divisions any interests disclosed to the union pursuant to sub-rule (A).~~

~~D.—For the purposes of sub-rule (C), the disclosures shall be made:~~

~~— a) — in relation to each financial year;~~

~~— b) — within six months after the end of the financial year; and~~

~~— c) — in writing.~~

~~Alternative Rule for Divisions of the Union~~

~~E.—Each officer of a division shall disclose to the division any material personal interest in a matter that:~~

~~— a) — the officer has or acquires; or~~

~~— b) — a relative of the officer has or acquires;~~

~~— that relates to the affairs of the division.~~

~~F.—The disclosure required by sub-rule (E) shall be made to the division:~~

~~— a) — as soon as practicable after the interest is acquired; and~~

~~— b) — in writing.~~

~~G.—The division shall disclose to the members of the division any interests disclosed to the division pursuant to sub-rule (E).~~

H. — For the purposes of sub-rule (G), the disclosures shall be made:

- a) — in relation to each financial year;
- b) — within six months after the end of the financial year; and
- c) — in writing.

4 — DISCLOSURE BY ORGANISATION OF PAYMENTS

Alternative Rule for Union

A. — The union shall disclose to the members of the union and its divisions either:

- a) — each payment made by the union, during the disclosure period:
 - i. — to a related party of the union or of a division of the union; or
 - ii. — to a declared person or body of the union or of a division of the union; or
- b) — the total of the payments made by the union, during the disclosure period:
 - i. — to each related party of the union; or
 - ii. — to each declared person or body of the union

B. — Sub-rule (A) does not apply to a payment made to a related party if the payment consists of amounts deducted by the union from remuneration payable to officers or employees of the union.

C. — For the purposes of sub rule (A), the disclosures shall be made:

- a) — in relation to each financial year;

~~— b) — within six months after the end of the financial year; and~~

~~— c) — in writing.~~

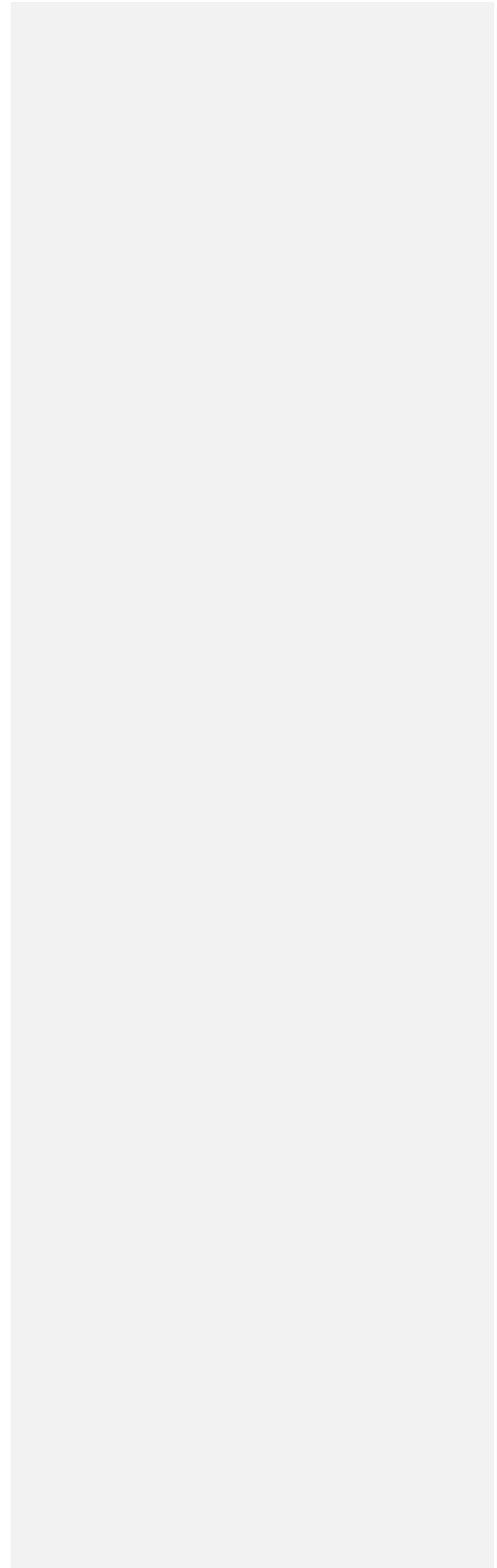
~~Alternative Rule for Divisions of the Union~~

~~D. — The organisation shall disclose to the members of the division either:~~

~~— a) — each payment made by the division, during the disclosure period:~~

~~— iii. — to a related party of the division; or~~

~~— iv. — to a declared person or body of the division, or~~



~~— b) — the total of the payments made by the division, during the disclosure period:~~

~~——— iii. — to each related party of the division; or~~

~~——— iv. — to each declared person or body of the division.~~

~~E. — Sub rule (D) does not apply to a payment made to a related party if the payment consists of amounts deduced by the division from remuneration payable to officers or employees of the division.~~

~~F. — For the purposes of sub rule (D), the disclosures shall be made:~~

~~—— a) — in relation to each financial year;~~

~~—— b) — within six months after the end of the financial year; and~~

~~—— c) — in writing.~~

~~5 FINANCIAL TRAINING~~

~~Within six months after beginning to hold an office, or by the 30th June 2014 each officer of the union and of a division of the union whose duties include financial duties must complete training that:~~

~~1) — Has been approved by the General Manager under section 154C of the Fair Work (Registered Organisations) Act 2009.~~

~~2) — Covers each of the officer's financial duties~~

~~***END OF RULES***~~