

**RULES OF
THE COMMUNITY AND PUBLIC SECTOR UNION
(STATE PUBLIC SERVICES FEDERATION TASMANIA) INC.**

July 2019

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RULES OF
THE COMMUNITY AND PUBLIC SECTOR UNION
(STATE PUBLIC SERVICES FEDERATION TASMANIA) INC.

1. TITLE

The name of the organisation shall be “The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.”, in these rules called the Association.

2. ASSOCIATION STATUS

It is the intention of the Association that the Association make application for, and maintain at all times following successful registration, incorporation pursuant to the Act.

3. INTERPRETATION

In these Rules unless the contrary intention appears:

- (1) “Act” means the Associations Incorporation Act 1964;
- (2) “Association” means the association referred to in Rule 1;
- (3) “Auditor” means the person appointed as the auditor of the Association under Rule 29 (1);
- (4) “Basic objects of the Association” means the objects and purposes of the Association as stated in the Application under section 7 of the Act for the incorporation of the Association;
- (5) “Council” means the managing body of the Association as constituted pursuant to Rule 11 and constitutes the Committee of the Association for the purposes of the Act;
- (6) “Councillor” means a person elected to Council and includes the President, General Secretary, Assistant General Secretary, Vice Presidents, Honorary Treasurer and Delegates to Council;
- (7) “General Meetings” includes:
 - (a) the AGM; and
 - (b) any special general meeting;
- (8) “Month” means a calendar month;
- (9) “Special resolution” means a resolution passed by not less than three quarters of such members of the Association entitled to vote as may be present, in person, at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with the Rules;
- (10) “Federal organisation” means the Community and Public Sector Union, an organisation registered under the *Fair Work (Registered Organisations) Act 2009* Cth, in relation to which the Association is an associated and counterpart body with respect to the State of Tasmania;
- (11) “Financial report” means the Statement of Financial Operations, the Statement of Financial Position, Statement of Cash Flows, notes to accounts and associated statements.

- (12) "State Authority" means any person or body of persons or authority, whether corporate or unincorporated, which is constituted or established under the authority of any Act or under the Royal prerogative for the State of Tasmania;
- (13) Words importing the masculine gender shall include the feminine;
- (14) Words in the singular shall include the plural and words in the plural shall include the singular;
- (15) Where these rules give power to any body to make any rules, by-laws or regulations it shall be implied that such body may rescind, revoke, alter or vary the same from time to time as occasion requires;
- (16) Where these rules give power to any body to establish another body it shall be applied that the first mentioned body may abolish, alter or vary the second mentioned body from time to time as the occasion requires;
- (17) Where these rules require calculation be made resulting in a fractional remainder then, unless otherwise specified in the rule, the fractional remainder shall be rounded to the nearest whole number, provided that if the fractional remainder is one half or more it shall be rounded up.

4. ASSOCIATION'S OFFICE.

The office of the Association is to be at the following place or any other place Council determines:

157 Collins Street, Hobart ,Tasmania.

5. OBJECTS

In addition to the basic objects and purposes of the Association, the objects of the Association include the following:

- (1) protect and promote the interests, welfare, and benefit of the members;
- (2) co-operate, affiliate or amalgamate with other organisations having similar objects, in particular organisations representing other state public sector workers.
- (3) submit claims on behalf of members for awards and to take part in applications to the appropriate tribunal, authority or employer, and to do all other things incidental thereto, on behalf of its members in respect of members relationships with employers;
- (4) conduct negotiations with, make application to and effect agreements with, an appropriate authority with respect to rates of pay and working conditions as provided by employers to members;
- (5) provide legal assistance for members in matters affecting their employment;
- (6) further and encourage whatever may improve the status, access to training, and qualifications of members;
- (7) publish and produce newspapers, magazines, journals, and other media products;
- (8) encourage membership in the Association and to promote the standing of the membership within the community by all means of communication;
- (9) initiate and implement, or assist in the implementation of services, other than industrial services, for the benefit and / or advancement of the membership;

- (10) afford opportunities for members to discuss matters affecting their interests and welfare and to take action in any matter affecting the interests of a member in relation to their employment;
- (11) ensure members obtain satisfactory superannuation benefits from employers;
- (12) establish social clubs for members and take such other measures for furthering the social fellowship and enjoyment of members as may be deemed proper;
- (13) acquire and otherwise deal with real and personal property for the purposes of Association;
- (14) grant assistance to the disadvantaged and disabled in our community;
- (15) apply for membership of the Federal Organisation for and on behalf of any member who is eligible to belong to that organisation;
- (16) promote and support the interests of members belonging to minority and disadvantaged groups;
- (17) do all such other acts and things as may be deemed appropriate or necessary to further the objects and purposes of the Association and as otherwise permitted by the Act.

6. CONSTITUTION.

- (1) The membership of the Association shall consist of an unlimited number of persons employed in or by:
 - (a) The State;
 - (b) A State Authority
 - (c) A Public Hospital; or
 - (d) The Association.
- (2) The Association may confer life membership on a member or former member of the Association for outstanding service to the Association subject to Rule 8.
- (3) A person who, at the time of their retirement was a member of the Association, is eligible, subject to Rule 9, to be a retired member of the Association but shall not be entitled to be elected a Councillor or to vote as a member except as a member of such committees, if any, as Council may appoint to deal with the affairs of retired members.
- (4) A person who
 - (a) is the spouse of a deceased member (including a deceased retired member); or
 - (b) any other person not eligible for membership under sub-rule 1 of this Rule
 is eligible, subject the Rule 9, to become an associate member of the Association and then shall have such benefits and advantages as Council may determine but shall not be entitled to be elected a Councillor or to vote as a member, except as a member of such committees, if any, as Council may appoint to deal with the affairs of associate members.

7. MEMBERSHIP.

- (1)
 - (a) Application for membership shall be in writing and submitted to the Association. Any person applying for membership after a period of six months from the date of being eligible to be a member may be required to pay an entrance fee, as determined by Council.

- (b) A member of the CPSU (SPSF Group, Tasmanian Branch) shall be deemed to be a member of the Association and an application for membership of the CPSU (SPSF Group, Tasmanian Branch) will be deemed to be an application for membership of the Association.
- (2)
- (a) Every person applying for membership in so doing agrees to be bound to comply with the Rules for so long as they are a member and undertakes to work in the interests of the Association and its members collectively and within the democratic structure provided.
 - (b) All members are encouraged to actively participate in the affairs of the Association, to attend Association meetings and to vote in ballots.
- (3) The name of each applicant shall be submitted to Council for admission to membership or otherwise. Council may refuse to admit any person to membership until they have paid such additional contribution, not exceeding two years' subscriptions at the current rate as Council may determine in each particular case.
- (4) Where Council admits a person to membership of the Association the General Secretary shall cause to be entered the name of that person on a register of membership.
- (5) A member may resign their membership of the Association by notice in writing if they cease to be eligible for membership within the meaning of Rule 6 of these Rules. The notice is to be given not less than two weeks before the resignation is to take effect and payment is to be made of all subscriptions and levies owing to the date on which the resignation is to take effect. Notice of the resignation shall be addressed to the General Secretary.
- (6) Council may remove from the register of Members the name of any person who ceased to be a member by reason of death, retirement, resignation or dismissal from employment.
- (7) Council may remove from the register of members the name of any member whom Council determines is unfinancial and no person whose name has been so removed shall be readmitted to membership until payment of arrears and of such entrance fee as Council may determine has been made.
- (8) A member ceases to be a financial member of the Association:
- (a) if the member's subscription is in arrears and unpaid for a period of three months; or
 - (b) if the member has failed to pay a levy made in accordance with the Rules; and
 - (c) if Council has declared the member to be unfinancial.
- (9) Council may suspend the payment of subscriptions on such terms as it may determine of any member who so applies for any period or part thereof that the member is granted leave without pay from their employment;
- (a) the suspension of subscriptions referred to in sub-rule 9 of this Rule may be revoked by council at any time;
 - (b) a member shall be deemed to be a financial member for any period that Council grants a suspension of subscriptions.

8. LIFE MEMBERSHIP.

- (1) A member or former member of the Association may have life membership of the Association conferred at a general meeting if:
 - (a) Council has recommended the conferring of the life membership;
 - (b) there is a motion to confer life membership at the general meeting which is carried by a majority of at least two-thirds of the members present;
 - (c) at least seven days' notice of the intention to confer life membership is given before that date of the general meeting; and
 - (d) the member has been, or former member had been, a member for a period of not less than fifteen years.
- (2) A person on whom life membership is conferred shall enjoy all the full rights and privileges of membership while they remain eligible for ordinary membership, but on ceasing to be eligible for ordinary membership that person shall not have the rights of voting and holding office.
- (3) Council shall present a person on whom life membership is conferred with a momento, as Council considers appropriate.

9. RETIRED AND ASSOCIATE MEMBERS.

- (1) A person who wishes to become a retired or associate member of the Association shall lodge with the General Secretary a written application for such membership and pay a subscription as determined by council
- (2) Each application for retired or associate membership shall be submitted to Council for approval or otherwise.
- (3) Where Council admits a person to retired or associate membership of the Association, the General Secretary shall cause to be entered the name of that person on a register of retired and associate members to be kept for that purpose.
- (4) Council may remove from the register of Members the name of any person who ceased to be a retired or associate member by reason of death, retirement, resignation, dismissal or who is no longer eligible for that class of membership or whom Council determines is unfinancial,

10. CONTROL BY MEMBERS.

- (1) Democratic control of the Association resides with the members who can by virtue of provisions elsewhere in these Rules:
 - (a) participate in Annual General Meetings and Special General Meetings;
 - (b) contest elections;
 - (c) vote in ballots and at membership meetings; and
 - (d) requisition Special General Meetings or Referenda.

11. COUNCIL

- (1) The affairs of the Association shall be managed by Council, which shall have power to control and manage the business and affairs of the Association and without limiting the generality of this power shall have power to:
- (a) Initiate the process to make, amend and rescind Rules and bylaws for the regulation and governance of the Association;
 - (b) enrol in the Association any person eligible to be a member of the Association;
 - (c) fix and from time to time vary the entrance fees and subscriptions payable by candidates for membership and members of the Association;
 - (d) impose levies on members;
 - (e) remit entrance fees, subscriptions, levies fixed or imposed under this Rule;
 - (f) waive in whole or part any fees, subscriptions and levies;
 - (g) disburse or authorise the disbursement of moneys for any purpose within the objects of the Association;
 - (h) do any of the following -
 - (i) buy, sell, rent, lease, sublet or otherwise deal with any property, real or personal,
 - (ii) enter into any contract,
 - (iii) borrow money and mortgage or charge any of the real or personal property of the Association,
 - (iv) establish any company or trust to hold, or assign on trust, any real or personal property of the Association;
 - (i) appoint such Committees of Council as may be deemed necessary;
 - (j) appoint or remove a Returning Officer qualified to conduct any election for which a Returning Officer is required in connection with any Office in the Association;
 - (k) recommend the appointment or removal of an Auditor, qualified to act for any purpose for which an auditor is required in connection with the accounts of the Association as determined by Council;
 - (l) fix and from time to time vary the salaries and allowances or honorariums payable to Offices and to confer on any named Officers or the holders of any named Offices authority to employ, retain and terminate the employment of such research, clerical and other staff as shall be specified in a resolution of Council conferring such authority on such terms as Council or if so decided by Council, as such Officers shall see fit;
 - (m) subject the Rights of Officers under Chapter C of the CPSU Federal Rules, dismiss from Office any Councillor who has been found guilty in accordance with these rules of misappropriation of the funds of the Association, a substantial breach of these Rules, gross misbehaviour or gross neglect of duty or who has ceased according to these rules to be eligible to hold the Office provided that any such person shall have a right of appeal to the Council of the Federal Organisation;
 - (n) to publish and distribute Publications;
 - (o) do all things necessary or convenient to the exercise of the foregoing powers.
 - (p) delegate by resolution its authority, as it may deem necessary.
 - (q) by resolution of two thirds of Council, resolve to expel, suspend or remove any member who, in the opinion of Council, acts in a manner contrary to the interests of the Association, or whose conduct has been inconsistent with the Rules or the Standing Orders, or who is incompetent or neglectful in the discharge of their duties, insofar as

such duties relate to the affairs of the Association; provided that opportunity shall be given (by registered letter with at least seven (7) days notice) every such member to be heard in their own defence, and provided that every such member expelled, suspended or removed, shall have the right to appeal to the next Annual General meeting or Special General meeting called for the purpose, whose decision shall be final;

- (2) Council shall consist of:
 - (a) the Officers of the Association, and
 - (b) the Delegates to Council.
- (3) Council shall meet at least quarterly and at such other times as Council or Executive or the President and General Secretary acting together shall deem necessary and shall be convened by the General Secretary.
- (4)
 - (a) A Councillor who is unable to be present at the whole or any part of a meeting of Council shall, in writing delivered to the General Secretary, appoint another financial member of their Electorate or another Councillor to act as proxy.
 - (b) A Councillor appointed as a proxy as per sub-rule 4 (a) of this Rule shall be entitled to exercise the vote of the councillor they represent in addition to any vote they are entitled to exercise on their own behalf. No person shall act as a proxy for more than one Councillor.
 - (c) In exercising the proxy vote, the person appointed as proxy will act in accordance with the direction of the Councillor for whom they are proxy.

12. OFFICERS OF THE ASSOCIATION.

- (1) The Officers of the Association shall be:
 - (a) the President,
 - (b) two Vice Presidents,
 - (c) the General Secretary,
 - (d) the Assistant General Secretary,
 - (e) the Honorary Treasurer, and
 - (f) three Councillors elected four-yearly by secret ballot by and from the Delegates to Council. Council shall appoint a returning officer to conduct the election.
- (2) Officers of the Association may attend and speak at any meeting of the Association held under these Rules.

13. DELEGATES TO COUNCIL.

- (1) Each Electorate will be represented on Council by one Delegate to Council for each 250 financial members or part thereof allocated to the Electorate as at 31st December in the year preceding an election.
- (2) Each Delegate to Council shall be elected for a term of four (4) years by and from the whole of the financial membership in the Electorate.

- (3) Each election under this rule shall be conducted so that the result is declared not earlier than the 1st of May and not later than the 30th of June in each even-numbered year.
- (4) Delegates to Council shall vacate their seat if they:
 - (a) resign;
 - (b) cease to be a member of the Association;
 - (c) absent themselves from three consecutive Council meetings without leave of absence;
 - (d) are elected or appointed to a position as an Officer of the Association; or
 - (e) ceases to be employed in the Electorate from which they have been elected.

14. ELECTORATES

- (1) The Association shall be divided into Electorates consisting of such members of the Association as is determined by Council from time to time in its discretion having regard to such advice as to the views of members affected as is available.
- (2) An Electorate may consist of all or some of the members employed in a Department, Statutory Authority, institution or other authority, or of members employed in a geographical area within or part of the Association, or of members employed in more than one Department, Statutory Authority, institution or other authority.
 - (a) where under this Rule a member would fall within more than one Electorate, then that member will be assigned to an Electorate as determined by Council;
 - (b) where under this Rule a member would not fall within an Electorate, then that member shall be assigned to an Electorate as determined by Council;
 - (c) where a member is granted leave to take up temporary employment with the Association, then that member will continue to be allocated to an Electorate as if still employed in their original position; and
 - (d) the minimum size of an Electorate shall be 125 members, where an Electorate would have less than 125 members no allocation will be made to that Electorate and members will be allocated to remaining Electorates as though that Electorate did not exist.

15. EXECUTIVE.

- (1) Between meetings of Council, Executive shall have responsibility for the management of the Association and shall be the committee of management of the Association. Subject to any resolution of Council pursuant to rule 11(1)(p) of these Rules or any decision of Council to expressly reserve the exercise of any power to itself, Executive shall be deemed to have delegated to it all the powers of Council that are necessary for the management of the Association except the power to initiate the process to make, amend or rescind the Rules of the Association.
- (2) Executive shall consist of the Officers of the Association.
- (3) Executive shall meet at least monthly (other than January) between meetings of Council and whenever required by the President after consultation with the General Secretary.
- (4) Executive shall report to Council at each meeting of Council.
- (5) A member of Executive who is unable to be present at the whole or any part of a meeting of Executive shall in writing delivered to the General Secretary appoint another member of Executive to act as his or her proxy.
- (6) An Executive member appointed as a proxy as per sub-rule 5 of this Rule shall be entitled to exercise the vote of the person they represent in addition to any vote they are entitled to exercise on their own behalf. No person shall act as a proxy for more than one Executive

member.

16. STANDING COMMITTEES.

- (1) Council shall appoint such standing committees as Council from time to time may think necessary and with such functions as Council may determine, or as may be prescribed by the Rules;
- (2) Each standing committee shall comprise at least three Councillors and such other members as appointed by Council;
- (3) Except in the case where a standing committee is first appointed, the members of each standing committee shall be appointed annually by Council at its first meeting after the Annual General Meeting;
- (4) Council may, at any time, appoint special committees to report upon particular matters;
- (5) A vacancy on a committee may be filled by Council at any time;
- (6) A standing committee shall appoint its Chair;
- (7) The quorum for a committee shall be at least half the number of the members thereof; and
- (8) The Chair of each committee shall report to Council or in case of emergency to Executive.

17. FINANCE COMMITTEE.

- (1) Council may establish a committee to be known as the Finance Committee.
- (2) Finance Committee shall comprise the Honorary Treasurer and at least three Councillors and such other members as appointed by Council.
- (3) Where Council decides to establish a Finance Committee it will be chaired by the Honorary Treasurer and shall:
 - (a) deal with and make recommendations to Council in regard to matters of finance;
 - (b) examine the accounts and present them to meetings of Council;
 - (c) supervise the receipt and banking of the funds of the Association;
 - (d) deal with such other matters as may be referred to it by Council;
 - (e) have power to authorise the payment of any account not exceeding \$3,000 or such higher limit authorised by Council;
 - (f) report to Council from time to time as to the financial position of the Association.

18. ELECTORATE COMMITTEES.

- (1) Council may establish an Electorate Committee in each Electorate.
- (2) Each Electorate Committee shall comprise:
 - (a) Delegates to Council representing that Electorate; and
 - (b) the Workplace Representatives in that Electorate.

(3) Electorate Committees shall:

- (a) advise Council as to the determination of workplaces;
- (b) implement Association policy within their Electorate;
- (c) deliberate on matters concerning the Association in their Electorate;
- (d) present to Council, through their Delegates to Council, the views of the members of the Association in the Electorate on matters before Council;
- (e) promote the interests of the Association in the Electorate;
- (f) meet at least quarterly;
- (g) make such rules for the management of its own affairs provided that any such rules are not in conflict with the Rules, By-laws, Standing Orders or Policy of the Association as determined by Council;
- (h) do such other things as directed by Council.

19. ADVISORY FORUMS.

- (1) Council may establish Advisory Forums, by application from members or otherwise, which shall consist of Workplace Representatives, Councillors and members. Advisory forums may be established to comprise such people who are, for example, located in a specific region, employed pursuant to certain Awards or Occupational Streams or any other group as determined by Council.
- (2) The objectives of each such Advisory Forum shall be:
 - (a) to provide a regular forum for interchange of information between members of the forum;
 - (b) to consider matters and report to Council on matters relating to the interests of the forum.
- (3) Each Advisory Forum shall be entitled to have two (2) of its members observe at meetings of Council and report on, move or second motions and speak to such motions relating to matters of specific interest to the forum.

20. GENERAL MEETINGS.

(1) Annual General Meeting

- (a) The Annual General Meeting of members of the Association shall be held in the month of August in each year.
- (b) At least fourteen (14) days notice of the date, time and place for the holding of any Annual General Meeting shall be given by publication in an official Association publication directed to all members and in a daily paper published in Hobart.
- (c) No business shall be transacted at the Annual General Meeting other than that stated in the notice convening the meeting. Members intending to have business incorporated in such notice shall give notice in writing to the General Secretary on or before the fifteenth day of June.
- (d) Council shall determine what additional items to include on the agenda in sufficient time to allow the agenda to be published at least 14 days prior to the Annual General Meeting.
- (e) A quorum for an Annual General Meeting shall consist of thirty (30) members.

- (f) If, within a half of an hour from the time appointed for the meeting, a quorum of members is not present, it shall stand adjourned to the same place and the same hour of the fourteenth day thereafter; and at such adjourned meeting the members there present will dispose of all business on the notice paper.
- (g) The President may, with the consent of the members present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(2) Special General Meetings.

- (a) Special General Meetings of members shall be called:
 - (1) by the President, or in the President's absence, the General Secretary;
 - (2) whenever it is considered necessary by Council; or
 - (3) on the receipt by Council of a requisition in writing stating the objects and signed by not less than one hundred (100) members of the Association.
 - (4) As otherwise provided pursuant to the Act.
- (b) At least fourteen (14) days notice of the date, time and place for the holding of any Special General Meeting shall be given by publication in an official Association publication directed to all members or in a daily paper published in Hobart.
- (c) No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting.
- (d) A quorum for Special General Meetings shall consist of thirty (30) members.
- (e) If, within a half of an hour from the time appointed for the meeting a quorum of members is not present, the meeting shall lapse.
- (f) The President may with the consent of the members present adjourn the meeting from time to time and from place to place but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (g) Any resolutions carried at a Special General Meeting may, if Council so decides, be referred for determination by a referendum of all the members of the Association.
- (h) The result of the ballot, or where no ballot is to be conducted the resolution, shall be binding on Council.

(3) Industrial Meetings.

- (a) Industrial Meetings of the whole membership or any part thereof may be called by the General Secretary to consider a report on any matter of importance.
- (b) Resolutions passed at an Industrial Meeting adopting a position on an industrial matter stated in the notice convening the meeting shall be binding on all members addressed by the notice.
- (c) All resolutions carried at an Industrial Meeting shall be reported to Council at its next meeting.

21. CONDUCT OF MEETINGS.

- (1) Standing Orders.
 - (a) Council shall adopt Standing Orders governing the conduct of all meetings of the Association. Any matter for which no provision is made in those standing orders shall be determined as nearly as may be in accordance with parliamentary procedure.
 - (b) Except where specifically allowed for in other clauses of these rules no member shall vote by proxy.
 - (c) A meeting of Council, a meeting of a Committee of the Association or a meeting of the Association can arrive at any decision within its powers by vote or meeting conducted by telephone or telephone hookup or video hookup. Any such vote may be cast orally, by postal ballot, by facsimile or by electronic mail.
- (2) Meetings of Council.
 - (a) Council shall meet at least once in each quarter on such days and at such times as the Council may appoint and at such other times as Council or Executive shall deem necessary.
 - (b) The President and General Secretary acting together shall have the power to convene a special meeting of Council and to determine when, where and for what purpose such a meeting shall take place.
 - (c) A notice of a special meeting of Council shall be given by the General Secretary at least seven days prior to such a meeting.
 - (d) At a special meeting Council shall determine only the matter set forth in the notice.
 - (e) One half of all Councillors plus one shall form a quorum at a meeting of Council.
 - (f) If a quorum is not present within twenty minutes after the time appointed for a meeting, the members present, or a member if only one member is present, or the General Secretary if no member is present, may adjourn that meeting to such time and place as they may decide.
 - (g) A resolution passed, or an act, matter, or thing done at or authorised to be done by a meeting of Council, shall not be rescinded or amended at a subsequent meeting unless:
 - (1) notice of the intended rescission or amendment is given in the notice convening the meeting at which that rescission or amendment is proposed to be made; and
 - (2) the rescission or amendment is ratified at that meeting.
 - (h) Subject to sub-rule 1 of this Rule, Council may regulate its own procedure.
- (3) Leave of Absence.
 - (a) An application for leave of absence from a meeting of Council shall be made to Council:
 - (1) by a Councillor desiring such leave before the meeting; or
 - (2) by a person authorised by the Councillor, before or at the meeting.

- (b) Notwithstanding anything contained in sub-rule 3 (a) (1) of this Rule, Council may, in its discretion allow an application for leave of absence from a meeting to be made at a later meeting.
- (c) Leave of absence shall only be granted on grounds that Council considers sufficient.

22. WORKPLACE DELEGATES.

- (1) Council shall take such steps as are necessary to ensure that members are represented in their workplace on matters affecting their employment by ensuring there is an appropriate system for election of and training of Workplace Delegates.
- (2) Financial members in their workplace shall elect Workplace Delegates.
- (3) A Workplace Delegate shall cease to hold Office on their resignation, or by otherwise ceasing to be a financial member or by no longer working in the workplace concerned.
- (4) All Workplace Delegate shall be members of the Electorate Committee for the Electorate in which they are employed if such an Electorate Committee exists.
- (5) It shall be the responsibility of each Workplace Delegate to fulfil the role of a Workplace Delegate as defined by Council.
- (6) Deputy Workplace Delegates may be elected for each workplace that shall assist the Workplace Delegate and perform the duties of the Workplace Delegate when that Workplace Delegate is absent. The Deputy Workplace Delegates may attend meetings of the Electorate Committee.
- (7) Workplace Delegates and Deputy Workplace Delegates shall act in an honorary capacity.
- (8) For the purpose of election of a Workplace Delegate a workplace may be any identifiable, separate, physical location where Association members are employed. This may be a small suburban or country location or may be a room located on a particular floor in a given building or it may be a section of a floor where open plan exists.
- (9)
 - (a) The General Secretary or a person nominated by the General Secretary shall call for nominations for the position of Workplace Delegate. The process used in calling for nominations will ensure all members in the relevant workplace have a reasonable opportunity to nominate for the position.
 - (b) On receipt of nomination, the General Secretary or a person nominated by the General Secretary shall:
 - (1) check membership credentials of all nominees, nominators and seconders. For a nomination to be valid, the nominee, the nominator and the seconder will be:
 - (a) a financial Association member; and
 - (b) employed within the workplace concerned;
 - (2) where there is only one nomination for a particular workplace at the close of nominations, declare that nominee elected; and
 - (3) where there is more than one nominee per workplace, advise the members of the workplace and arrange for an election to be conducted.
- (10) In the event of an election taking place:
 - (a) The General Secretary shall appoint a Returning Officer to conduct the election.

- (b) Each financial member of the Association in the workplace shall be entitled to one vote.
- (c) Each nominee shall have the right to appoint one scrutineer (who shall be a member of the Association) to oversee the opening and counting of ballot papers.
- (d) Where a nominee alleges any irregularities with respect to the election of a workplace representative, they may appeal to the General Secretary of the Association and present whatever evidence and / or argument decided relevant by that nominee.
- (e) The General Secretary, after considering the evidence and argument presented pursuant to the preceding paragraph, shall report the matter to Council. Council may:
 - (1) dismiss the appeal; or
 - (2) order a new election.
- (f) Upon receipt of a petition signed by at least two thirds of the members of the workplace of a Workplace Delegate, requesting removal of that Workplace Delegate or otherwise that the General Secretary may consider appropriate, the General Secretary shall investigate the performance of that Workplace Delegate and report any finding to Council.
- (g) Upon receiving such a report Council may, at its discretion, declare the position vacant and instruct the General Secretary to call for nominations as per sub-rule 9 (a) of this Rule.

23. REFERENDUM.

- (1) A referendum to obtain the views of all financial members of the Association on any question governing the affairs of the Association may be initiated by:
 - (a) a resolution of Council;
 - (b) a resolution of an Annual General Meeting or Special General Meeting to refer a motion before it to a referendum;
 - (c) a requisition signed in writing by ten percent of the financial members of the Association.
- (2) A requisition calling for a referendum shall be in the form of an affirmative question and shall be accompanied by an objective statement of the facts and arguments in support of the question and shall be submitted to the next meeting of Council which shall:
 - (a) agree to the question, in which case the decision shall be implemented immediately, or
 - (b) not agree to the question, in which case it shall thereupon be referred to a referendum of financial members accompanied by the statement provided by the requisitioners in support, provided that Council may determine that several referenda shall be conducted by a single ballot of financial members.
- (3) The arrangements for the taking of a referendum shall be made by Council who shall:
 - (a) appoint for the conduct of the referendum a Returning Officer and such Assistant Returning Officers and Scrutineers as it deems necessary;
 - (b) prepare material to accompany the question, which in the case of a referendum not agreed to by Council shall include an objective statement of the arguments against the question.
- (4) The Returning Officer shall:

- (a) issue a ballot paper, and accompanying material to each financial member of the Association;
 - (b) supervise the counting of the returns;
 - (c) declare the final result of the ballot as a whole in writing to the General Secretary.
- (5) A simple majority shall determine any question put pursuant to any provision of this Rule.
- (6) When a question is carried in the affirmative by a referendum it shall be put into effect forthwith.
- (7) No question substantially the same in substance or effect, shall be re-submitted to referendum within a period of two (2) years from the declaration of a ballot, provided that this provision shall not preclude Council from submitting any question to referendum at any time.

24. ELECTIONS.

- (1) No separate election shall occur for the Delegates to the Council of the Association. The Delegates to the Council of the Association shall consist of persons elected as Delegates to the Council of the CPSU (SPSF Group, Tasmanian Branch) of the Federal Organisation pursuant to the Rules of the Federal Organisation.
- (2) No separate election shall occur for the Officers of the Association. The positions of the Officers of the Association shall be held by persons elected to the corresponding positions in the CPSU (SPSF Group, Tasmanian Branch) of the Federal Organisation pursuant to the rules of the Federal Organisation.
- (3) Persons shall take office as Delegates to Council and Officers of the Association at the same time as they take office in the corresponding positions in the CPSU (SPSF Group, Tasmanian Branch) of the Federal Organisation, provided that the date upon which they take office in the Association on the first invocation of the rule shall not be earlier than the date upon which the term of office of the existing incumbents of the offices expires.
- (4) Where there is a casual vacancy in any Offices referred to in sub-rules 1 or 2 of this Rule, or where the incumbent of any Office has been removed in accordance with the Rules, the Council may appoint another person to perform the duties of the Office until such time as the corresponding Office within the CPSU (SPSF Group, Tasmanian Branch) of the Federal Organisation is filled pursuant to the Rules of the Federal Organisation. In the case of any vacancy in the position of General Secretary, the Council must appoint someone to perform the duties of the Office of General Secretary within 14 days of the vacancy occurring.

25. SUBSCRIPTIONS.

- (1) Each member of the Association shall pay a subscription as determined by Council. Such rates to be determined at a meeting of Council, for which prior notice has been given of a proposal to alter the rates, provided that no less than two thirds of the total votes exercised by Council have been exercised thereon.
- (2) A member shall pay their subscription in advance or in such manner as may from time to time be determined by Council.

- (3) Council may, in its discretion, remit the whole or any part of a member's subscription.
- (4) A retired member shall pay a subscription rate as determined by Council.
- (5) An associate member shall pay a subscription rate as determined by Council.

26. LEVIES.

- (1) Upon a resolution agreed to by a two-thirds' majority of the members present and voting at a general meeting, Council may make a special levy on all members for any of the objects of the Association that are specified in the resolution, and shall apply the proceeds of the levy in accordance with the resolution (unless it is otherwise decided by a two-thirds' majority of the members present and voting at a subsequent general meeting).
- (2) A member shall not move a resolution nor shall a resolution be put under this Rule unless notice thereof has been given in the notice convening the general meeting.
- (3) A levy struck in accordance with this Rule shall be deemed to be a subscription payable by each member of the Association as prescribed by these Rules and any authority given in that behalf by the member.
- (4) Council may, in its discretion, remit the whole or any part of a member's levy.

27. RECEIPT AND PAYMENT OF MONIES.

- (1) A member of the Association shall pay any subscription, levy, or other monies (if any) to the General Secretary or a representative of the General Secretary.
- (2) The General Secretary or their representative, as the case may be, shall give an official receipt for all monies, other than subscriptions collected by payroll deduction or direct debit, received under this Rule.
- (3) The Association's current account shall be kept at a financial institution authorised by Council.

Council will approve a financial oversight policy that will determine who is authorised to make and/or commit to expenditure by the Association, including setting expenditure approval limits. The policy will also determine who is authorised to approve payments.
- (4) Council may advance to the General Secretary or Honorary Treasurer from time to time such sums for petty expenses as it may think necessary.
- (5) Cheques payable to the order of the Association and requiring endorsement shall be endorsed by the General Secretary, the Assistant General Secretary or the Honorary Treasurer.
- (6) The financial year of the Association shall commence on the 1 July in each year and shall terminate on the 30 June of year next following.

28. CPSU (SPSFT) FUND.

- (1) There shall be a fund to be known as the CPSU (SPSFT) Fund that shall be managed and controlled in accordance with Rules relating to the Association as a whole.
- (2) The CPSU (SPSFT) Fund shall consist of any:
 - (a) real or personal property of which Council of the Association by the Rules or by any established practice not inconsistent with the Rules has or in the absence of any limited term lease bailment or arrangement would have the right of custody control or management;

- (b) subscriptions, fees, levies or other monies payable and paid in accordance with the Rules of the Association;
 - (c) entrance fees, subscriptions, fines, fees or levies of the Association, the amounts of such payments;
 - (d) interest, rents, dividends or other income derived from the investment or use of the Fund;
 - (e) funds operated or controlled in accordance with Rules relating to the Association for the benefit of its Officers or employees;
 - (f) sick pay fund, accident pay fund, funeral fund, insurance fund or like fund operated in accordance with Rules relating to the organisation as a whole for the benefit of its members.
 - (g) property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund, and
 - (h) proceeds of any disposal of parts of the Fund.
- (3)
- (a) Council may by resolution from time to time authorise the disbursement of monies standing to the credit of the fund, for the achievement of the objects of the Association and for its administration.
 - (b) For the purposes of the general administration of the Association including payment of wages, salaries, honoraria, travelling expenses, payroll deductions, Federal and State taxes, rent, interest on loans, accounts for stationery, printing, hire of premises for meetings, transcript, telephone, telegraph and postal services, power charges and expenses of like kind reasonably incidental to the general administration of the Association the prior authority of Council or Executive shall not be necessary before such cheques are signed or accounts paid.

29. AUDIT OF ACCOUNTS.

- (1) There shall be an Auditor who meets the requirements of the Act, who shall be appointed by the Annual General Meeting and hold office for one year.
- (2) The Auditors shall examine:
 - (a) the accounts of the Association at least once in each year; and
 - (b) the annual financial report with the relevant accounts and vouchers, and report thereon to Council prior to the Annual General Meeting.
- (3) The Auditor:
 - (a) shall, at all reasonable times, have access to the accounts of the Association; and
 - (b) may, in relation to those accounts, at any time require any explanation or information and the production of such books, documents, and papers as they deem necessary from any Officer of the Association.
- (4) The Honorary Treasurer shall supply the Auditor with a copy of the financial report that is to be laid before the Association at an Annual General Meeting at least twenty-one (21) days before that meeting.

- (5) The General Secretary shall cause to be delivered or forwarded by post, a copy of the financial report certified by the Auditor to every financial member of the Association at least seven (7) days before every annual meeting.
- (6) Publication of the financial report in any journal issued to members by the Association shall be sufficient compliance with sub-rule 5 of this Rule if in the normal course that journal would be delivered to members at least seven (7) days prior to the annual meeting.

30. DUTIES OF OFFICERS.

- (1) The President shall:
 - (a) preside at all meetings of Council, Executive and any meetings of the Association that they attend, and sign the minutes thereof;
 - (b) enforce the Rules, by-laws and standing orders, and have control of meetings at which he or she presides, and shall use all necessary power to secure and enforce order and expedition in the conduct of the business and good order of the members thereat.
 - (c) in consultation with the General Secretary determine the date time and place of meetings of Council and Executive whenever such date time and place has not been determined by Council or Executive;
 - (d) exercise a deliberative vote only if he or she so desires at all meetings of Council and Executive;
 - (e) ensure as far as possible that the Rules of the Association are performed and observed by Officers and members of the Association;
 - (f) request and receive an explanation from any Officer or member of the Association in any case where the President believes that the Rules of the Association have not been performed or observed and report thereon to Executive and Council;
 - (g) generally act to safeguard the reputation, unity, autonomy and property of the Association;
 - (h) be an ex-officio member of all committees of the Association;
 - (i) act in conjunction with the General Secretary in all matters of urgency.
- (2) The Vice-Presidents shall:
 - (a) assist the President to perform all of the duties of the President;
 - (b) in the absence of the President or whenever the President requests or Council or Executive instructs, shall perform the duties of the President or such of those duties as may be specified in each request or instruction.
- (3) The General Secretary shall:
 - (a) attend all meetings of the Council and Executive and General Meetings of the Association;
 - (b) attend to and keep a copy of all correspondence;
 - (c) keep minutes of all meetings and records of other business transacted by the Association;
 - (d) convene all General Meetings and summon members of Council and Executive to all meetings;

- (e) keep a register of all members of the Association;
 - (f) conform to all the requirements of the Commonwealth and State legislation required to be observed by the Association;
 - (g) keep all books and records of the Association and in particular –
 - (1) have the charge and custody of all current receipts of money belonging to the Association and ensure the prompt payment of such monies into the appropriate bank account of the Association;
 - (2) keep a correct account of all monies received and expended;
 - (3) ensure all payments are made by cheque or petty cash;
 - (4) sue for the recovery of any monies that are due and owing to the Association together with any associated costs;
 - (5) produce any books and records for inspection at all reasonable times when demanded by Council or the Auditor and supply such information to the Honorary Treasurer regarding financial matters as the Honorary Treasurer may require;
 - (h) sign any process or document proper to be signed on behalf of the Association by an Officer thereof and to appear or to authorise another to appear before any Court, Commission or Industrial Tribunal before which the Association should be represented;
 - (i) be responsible for the management of staff and effective administration of the Association;
 - (j) be an ex officio member of all Committees of the Association;
 - (k) discharge all such other duties and services as may be assigned by Council.
- (4) The Assistant General Secretary shall:
- (a) assist the General Secretary to perform all of the duties of the General Secretary;
 - (b) in the absence of the General Secretary or whenever the General Secretary requests or Council or Executive instructs, shall perform the duties of the General Secretary or such of those duties as may be specified in each request or instruction.
- (5) The Honorary Treasurer shall:
- (a) furnish to Council at each ordinary meeting a statement showing the financial position of the Association;
 - (b) supply Council at a meeting before the Annual General Meeting with a financial report certified by the Auditors for the financial year ended on the thirtieth of June immediately preceding the Annual General Meeting;
 - (c) perform such other duties as Council may direct.

31.

RELIEF OF MEMBERS AND THEIR DEPENDANTS IN DISTRESSED CIRCUMSTANCES.

- (1) There shall be established a fund to be known as CPSU Amelioration Fund to provide financial and other assistance to members or their families or the families of deceased members in distressed circumstances occasioned by the sickness, injury, or death of a member.

- (2) The CPSU Amelioration Fund shall be established by the appropriation of \$1000 from the general funds of the Association and, thereafter by the appropriation from the general funds of the Association of such amount as Council may determine at the first meeting after the Annual General Meeting, not exceeding one percent of membership subscriptions in the previous financial year.
- (3) No payment shall be made from the CPSU Amelioration Fund except with the approval of Council.

32. CPSU SUPPORT FUND.

- (1) There shall be established a Fund to be known as the CPSU Support Fund to provide assistance to the disadvantaged and disabled in the community.
- (2) The CPSU Support Fund shall be established by the appropriation from the general funds of the Association of such amount as Council may determine at the first meeting after the Annual General Meeting, not exceeding one percent of membership subscription in the previous financial year.
- (3) No payment shall be made from the CPSU Support Fund except with the approval of the Council.

33. STAFF CONDITIONS OF EMPLOYMENT.

Council shall have a policy that provides for conditions of employment for employees of the Association. In developing this policy Council shall consider conditions prescribed for similar positions within the State Service.

34. EXECUTION OF DOCUMENTS.

- (1) Documents not required to be under seal may be executed on behalf of the Association by the General Secretary, or other Officer whose signature shall be attested by one other Officer and any such documents so executed shall be and be deemed to be executed on behalf of the Association and with its authority.
- (2)
 - (a) Council or Executive may authorise by resolution the signing and execution of documents required to be under seal on behalf of the Association.
 - (b) The General Secretary and President, or in their absence such other Officers as authorised by the Executive shall sign and execute documents for the purposes of sub-rule 2(a) of this Rule.

35. AVAILABILITY OF RULES.

Each member shall be entitled to receive a copy of these Rules upon request.

36. ALTERATION OF THE RULES.

- (1) If Executive desires Council to consider any addition to or amendment or rescission of any Rule notice shall be given to the General Secretary at least thirty (30) days prior to the meeting of Council at which the Rule is to be considered specifying the new Rule, amendment or rescission sought, and each member of Council shall be given fourteen (14) days written notice by the General Secretary that such new Rule, amendment or rescission is to be considered by Council.

- (2) A notice of a proposed alteration under this Rule is sufficient if it sets out the substance and effect of the alteration.
- (3) Any proposed amendment or addition to the Rules must only be approved by way of a special resolution and requires the support of not less than three quarters of those members of the Association entitled to vote as may be present at a General Meeting properly called to consider such rule changes.

37. SEVERING OF CONTRARY/INVALID RULES.

If any provision of these Rules are contrary to the Act or are otherwise invalid pursuant to the Act, then such provisions are deemed not to form part of these Rules and all other Rules which are self sustaining and can be performed separately from the contrary of invalid provisions are valid and enforceable in their terms.

38. PUBLIC OFFICER.

The General Secretary of the Association at any given point in time is deemed to be appointed by Council as the Public Officer of the Association for the purposes of the Act.

39. TRANSITION RULE.

All membership of the Association and members holding positions as Office-bearer within the Association prior to incorporation of the Association are to remain with such status and position subsequent to incorporation of the Association.