

[090V-SPSF: Incorporates alterations of 06/12/2023] [R2023/80] Formatting errors corrected 14/12/2023
(replaces rulebook dated 27/03/2019 [R2018/316])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009
that the pages herein numbered 1 to 85 both inclusive contain a true and correct copy
of the registered rules of the CPSU, the Community and Public Sector Union; Chapter
C - SPSF Group Rules and Schedule B - SPSF Group Rules for the Western
Australian Prison Officers' Union (WAPOU) Branch.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the

CPSU, the Community and Public Sector Union
Chapter C - SPSF Group Rules

Contents

| | |
|---|----|
| Part 1—GOVERNANCE..... | 1 |
| 1. INTERPRETATION..... | 1 |
| 2. GOVERNMENT OF THE SPSF GROUP | 2 |
| 3. FEDERAL COUNCIL..... | 2 |
| 4. FEDERAL EXECUTIVE | 8 |
| 5. PROXY VOTING..... | 10 |
| 6. BRANCHES | 11 |
| 7. BRANCH COUNCIL | 11 |
| 8. BRANCH EXECUTIVE | 15 |
| 9. ACTU DELEGATES..... | 16 |
| 10. INDUSTRY AND ADVISORY BODIES..... | 17 |
| Part 2—OPERATIONS | 17 |
| 11. REGISTERED OFFICE | 17 |
| 12. FEDERAL OFFICERS | 18 |
| 13. BRANCH OFFICERS | 19 |
| Part 3—ELECTIONS AND APPOINTMENTS | 21 |
| Part 3A—ORGANISATION OF ELECTIONS | 21 |
| 14. DEFINITIONS..... | 21 |
| 15. ELECTIONS..... | 22 |
| 16. RETURNING OFFICER..... | 25 |
| 17. ADVERTISING..... | 25 |
| 18. SCRUTINEERS..... | 26 |
| Part 3B—DIRECT ELECTIONS | 27 |
| 19. ELECTION TIMETABLE – NOMINATIONS AND VOTING | 27 |
| 20. ELIGIBILITY TO NOMINATE | 32 |
| 21. MULTIPLE NOMINATIONS – DIRECT ELECTIONS..... | 34 |
| 22. DEFECTIVE NOMINATIONS..... | 34 |
| 23. WITHDRAWAL OF NOMINATIONS | 35 |
| 24. UNCONTESTED ELECTIONS..... | 35 |
| 25. ROLL OF VOTERS | 35 |
| 26. CONTESTED ELECTIONS | 36 |
| 27. BALLOT PAPERS | 36 |
| 28. CANDIDATES STATEMENTS | 37 |
| 29. POSTAL BALLOT..... | 37 |
| 30. SCRUTINY..... | 38 |
| 31. DECLARATION OF RESULTS..... | 39 |
| Part 3C—COLLEGIATE ELECTIONS | 40 |
| 32. TIMETABLE – NOMINATIONS AND VOTING..... | 40 |
| 33. ELIGIBILITY TO NOMINATE | 42 |
| 34. MULTIPLE NOMINATIONS – COLLEGIATE ELECTIONS | 43 |
| 35. DEFECTIVE NOMINATIONS..... | 44 |
| 36. WITHDRAWAL OF NOMINATIONS | 44 |
| 37. ROLL OF VOTERS | 45 |
| 38. CONTESTED ELECTIONS | 46 |
| 39. BALLOT PAPERS | 46 |
| 40. SCRUTINY..... | 47 |
| 41. DECLARATION OF RESULTS..... | 47 |
| Part 3D—VOTING AND APPOINTMENT SYSTEMS | 47 |
| 42. ORDER OF DECLARATION OF ELECTIONS..... | 47 |
| 43. PROPORTIONAL REPRESENTATION SYSTEM..... | 48 |

Contents

| | |
|--|----|
| 43A. PREFERENTIAL VOTING AND PROPORTIONAL REPRESENTATION FOR TEAM VOTING - ABOVE THE LINE TEAM VOTING..... | 51 |
| 44. CASUAL VACANCIES..... | 53 |
| Part 4—FINANCIAL..... | 54 |
| 45. FINANCIAL DISCLOSURE AND TRAINING OBLIGATIONS FOR THE GROUP AND ITS BRANCHES..... | 54 |
| 46. FEDERAL FUND..... | 54 |
| 47. EXPENDITURE OF SPSF GROUP FUNDS..... | 55 |
| 48. BRANCH FUND..... | 56 |
| 49. LOANS, GRANTS AND DONATIONS BY THE GROUP OR BY ANY BRANCH..... | 56 |
| 50. STATEMENT OF ACCOUNTS..... | 56 |
| 51. ENTRY FEES, SUBSCRIPTIONS, LEVIES AND OTHER FEES..... | 57 |
| 52. NATIONAL SUBSCRIPTIONS, CAPITATION DUES AND LEVIES..... | 58 |
| 53. AUDIT OF FEDERAL AND BRANCH FUNDS..... | 58 |
| Part 5—ADMINISTRATION..... | 59 |
| 54. APPLICATIONS FOR MEMBERSHIP..... | 59 |
| 55. ADMISSION TO MEMBERSHIP - MEMBERS OF ASSOCIATED BODIES..... | 60 |
| 56. BRANCH ASSOCIATES..... | 61 |
| 57. RIGHTS OF MEMBERS..... | 62 |
| 58. TERMINATION OF MEMBERSHIP..... | 62 |
| 59. STANDING ORDERS..... | 63 |
| 60. HONORARY LIFE MEMBERSHIP..... | 63 |
| 61. OFFICIAL JOURNAL..... | 63 |
| 62. MISCONDUCT OF OFFICERS OR MEMBERS..... | 64 |
| 63. REGULARITY OF PROCEEDINGS..... | 68 |
| 64. DELEGATION OF FUNCTIONS..... | 68 |
| 65. REGISTER OF MEMBERS..... | 69 |
| 66. TRANSITIONAL RULE TO RECALIBRATE THE ELECTION CYCLE..... | 70 |
| 67. TRANSITION RULE FOR WAPOU RULE..... | 70 |
| SCHEDULE B—WAPOU BRANCH..... | 71 |
| CONTENTS..... | 71 |
| 1 - FEDERAL RULES..... | 72 |
| 2 - NAME..... | 72 |
| 3 - REGISTERED OFFICE..... | 72 |
| 4 - BRANCH MEMBERS..... | 72 |
| 5 - POWERS, CONTROL AND MANAGEMENT OF BRANCH..... | 72 |
| 6 - BRANCH COUNCIL..... | 73 |
| 7 - BRANCH EXECUTIVE..... | 74 |
| 8 – DELEGATES TO BRANCH COUNCIL..... | 75 |
| 9 – CASUAL VACANCIES..... | 75 |
| 10 - BRANCH FUND..... | 75 |
| 11 - ANNUAL REPORT..... | 76 |
| 12 - ANNUAL GENERAL MEETING..... | 76 |
| 13 - SPECIAL GENERAL MEETINGS..... | 77 |
| 14 - REFERENDUM..... | 77 |
| 15 - DUTIES OF MEMBERS..... | 78 |
| 16 - DUTIES OF BRANCH EXECUTIVE OFFICERS..... | 78 |
| 17 – (removed)..... | 81 |
| 18 - DUTIES OF DELEGATES TO BRANCH COUNCIL..... | 81 |
| 19 – PRISON BRANCHES..... | 81 |
| 20 - MISCONDUCT..... | 82 |
| 21 - CENSURE MOTIONS..... | 83 |
| 22 - EXECUTION OF AGREEMENTS AND DOCUMENTS..... | 84 |
| 23 - ELECTIONS..... | 84 |
| 24 - STANDING ORDERS..... | 84 |
| 25 - TRANSITIONAL PROVISIONS..... | 84 |
| 26 - REGISTER OF MEMBERS..... | 85 |

Part 1—GOVERNANCE

1. INTERPRETATION

1.1 In this Chapter C

- (a) **Act** means the Fair Work (Registered Organisations) Act 2009, as amended;
 - (b) **General Manager** means the General Manager of the Fair Work Commission
 - (c) **Regulations** means the Regulations made under the Act;
 - (d) singular includes the plural and vice versa;
 - (e) Rules or rules are a reference to this Chapter of the Rules.
 - (f) **Union** means SPSF Group unless the context indicates otherwise
 - (g) **Associated Body** means:
 - (i) The Public Service Association and Professional Officers Association Amalgamated Union of New South Wales
 - (ii) The Public Service Association of South Australia Incorporated
 - (iii) The Community and Public Sector Union (State Public Services Federation Tasmania) Inc
 - (iv) The Civil Service Association of Western Australia Incorporated
 - (v) The West Australian Prison Officers' Union of Workersor any successor thereto or reconstruction thereof by whatever name called.
 - (h) **Branch Councillor** includes both Branch Officers and Delegates to Branch Council.
 - (i) **Federal Councillor** includes both Federal Officers and Federal Council Delegates.
 - (j) **Federal Executive Member** includes both Federal Officers and Branch Representatives to Federal Executive.
- 1.2 Where any of these Rules confer a duty the rule or rules concerned shall also be interpreted as conferring a power to perform the duty upon the officer, person or body specified as having that duty
- 1.3 These rules shall be read subject to the provisions of the Act and the Regulations, such that:
- (a) unless the context otherwise requires, every rule or part thereof shall be read as limited by the provisions of the Act and Regulations; and
 - (b) any rule or part thereof which cannot be read as so limited shall be deemed to be severable from the balance of the rule or rules.
- 1.4 **Notice requirements**
- Any notice required under these Rules, unless otherwise specified may be given by—
- (a) Hand,
 - (b) Post or courier,
 - (c) Email, or
 - (d) Other electronic means.

1.5 Meeting Requirements

Any meeting required under these Rules may be conducted by-

- (a) Personal attendance,
- (b) Virtual meeting technology,
- (c) Teleconference, or
- (d) A combination of any of (a), (b), or (c).

1.6 Financial member

Means a member whose payments of entrance fees, subscription, levies or fines are not more than three months in arrears.

2. GOVERNMENT OF THE SPSF GROUP

2.1 The Rules in this Chapter apply to the SPSF Group. The Rules seek to ensure:

- (a) the democratic control of the Union by its members;
- (b) the effective operation of the Union;
- (c) the protection of Union members exercising their lawful right to organise collectively;

2.2 The SPSF Group shall be governed by financial members by means of:

- (a) a Federal Council;
- (b) a Federal Executive; and
- (c) Branches

3. FEDERAL COUNCIL

3.1 Federal Council Constitution

The Federal Council shall consist of:

- (a) Federal Executive Members, and
- (b) Federal Council Delegates elected from each Branch of the SPSF Group.

3.2 Federal Council Delegates

- (a) The number of Federal Council Delegates elected from each Branch will be determined according to the following:

| Number of financial members in the Branch as at 31 December of the year preceding the election of Federal Council delegates | Number of Federal Council delegates to be elected from each Branch |
|---|--|
| Less than 10,000 | 4 |
| 10,000 – 14,999 | 5 |
| 15,000 – 19,999 | 6 |
| 20,000 – 24,999 | 7 |
| 25,000 – 29,999 | 8 |
| 30,000 – 34,999 | 9 |
| 35,000 – 39,999 | 10 |
| 40,000 – 44,999 | 11 |

3. FEDERAL COUNCIL

| | |
|----------------|----|
| 45,000 or more | 12 |
|----------------|----|

- (b) Branch rules may provide that Delegate positions are reserved for particular classes of members.
- (c) If in any election no member is nominated from any of the reserved classes then for the purposes of that election there shall be no reserved positions for that class.

3.3 Federal Council - Vote Allocation to Branches

- (a) Federal Council Delegates from a Branch shall be entitled to exercise votes only in accordance with this rule. The total number of votes to be exercised by the delegates from a Branch will be one for each 1000 financial members or part thereof of the Branch.
- (b) In this rule "**financial members**" means those persons who at 30 June immediately preceding the Council meeting were:
 - (i) Duly admitted to membership according to the rules; and
 - (ii) Financial, provided they were not more than 3 months in arrears of any subscriptions, capitations or levies owed to an Associated Body or Branch; and
 - (iii) The Branch has remitted national union subscriptions, capitation and levies to the Federal Secretary due under **Rules 51 and 52**.
- (c) The total number of votes to be exercised by the Federal Council Delegates from a Branch will take effect from 1 October each year subject to **Rule 3.3(g)** below.
- (d) A Branch Secretary shall provide by 1 September each year an audited certification of the number of financial members of the Branch as at 30 June in that year.
- (e) The Federal Secretary shall notify all Branch Secretaries by 30 September each year of the total number of votes to be exercised by Federal Council Delegates from each Branch from 1 October in that year.
- (f) Where the Federal Secretary has not received an audited certificate from the Branch by 1 October in accordance with **Rule 3.3(d)** the federal Council Delegates from that Branch shall not be entitled to exercise any vote on Federal Council until such time as such a certificate is provided to the Federal Secretary.
- (g) If a new Branch is created their Federal Council Delegates shall be entitled to exercise a total number of votes determined in accordance with this **Rule 3.3(a)**. The entitlement commences on the day after the Branch has completed actions to establish the Branch and the appointment or election of Federal Council Delegates.
- (h) At any Federal Council meeting the Federal Council Delegates from a Branch will not be entitled to exercise any voting entitlement unless national subscriptions, capitations and levies owed by the Branch or sub-Branch are paid consistent with **Rule 52**. Federal Council may determine that the Federal Council Delegates exercise voting rights. Before Federal Council makes a decision the Federal Council Delegates will be entitled to be heard.

3.4 Federal Council - Vote Allocation to each Branch Delegate

- (a) Each Federal Council Delegate shall be entitled to exercise a number of votes calculated by dividing the total number of votes for the Branch by the number of Federal Council Delegates, disregarding any fractional remainder.
- (b) Where the Federal Council Delegates from a Branch are entitled to exercise a greater number of votes than the number of votes assigned to those Delegates by this calculation, the additional votes shall be exercisable as follows:

3. FEDERAL COUNCIL

- (i) Where there has been a ballot conducted for the election of Federal Council Delegates the additional votes shall be allocated one at a time to the Delegates in order of their election, beginning with the first elected;
 - (ii) Where insufficient nominations are received to require the conducting of a ballot for Federal Council Delegates the additional votes shall be exercised by Delegates from the Branch appointed for that purpose by the Branch Council. Each Delegate shall be allocated one additional vote.
- (c) A Federal Officer who is not re-elected as a Federal Council Delegate shall be a non-voting member of the Council. They shall have all the rights and duties of a member of the Council except:
- (i) That they shall have no right to vote, other than at meetings of Federal Executive which occur prior to the expiration of their terms, or
 - (ii) Nominate or be nominated as a Federal Executive Member.

3.5 Federal Council – Federal Secretary Vote Allocation

The Federal Secretary, shall be a voting member of the Council exercising one vote and shall have all the rights and duties of a member of the Council.

3.6 Federal Council - Quorum

At every meeting of Federal Council a quorum shall be a sufficient number of Federal Council Delegates to cast a majority of the available votes. Attendance at the meeting by any means prescribed by the rules will count for the purposes of a quorum.

3.7 Federal Council Powers

- (a) The affairs of the Group shall be governed by a Federal Council which subject to **Rule 3.9(e)** is the supreme governing authority and Committee of Management of the Group
- (b) Federal Council shall have power to do all things necessary to achieve the objects of the Union and shall exercise all of the powers of registered organisations including but not limited to the following:
 - (i) Recommend to the National Officers Committee (NOC), or agree to or reject NOC recommendations on the making, amendment and rescission of any of the rules of the Group or of the Union;
 - (ii) Determine the amount of payment of capitation dues or subscriptions payable by Branches to the Federal Fund.
 - (iii) Determine the amount of national union subscriptions payable by candidates for membership and members of the Group;
 - (iv) Impose per capita levies on Branches and fix the amount of other contributions from Branches for the purpose of maintaining the Federal Fund;
 - (v) Authorise the disbursement of moneys from the Federal Fund for any purpose within the objects of the Union;
 - (vi) Approve the affiliation of a Branch to a political party, subject to **Rule 6.1(j)**;
 - (vii) Approve the affiliation of the Group to a political party, provided that the specific proposal for affiliation has been given prior approval by a majority vote in a postal ballot of all financial members of the Group.
 - (viii) Appoint or remove a Federal Returning Officer. The Federal Returning Officer must not be the holder of any other office or be an employee of the Union.

3. FEDERAL COUNCIL

- (ix) Appoint or remove an auditor qualified to act in accordance with the Act to conduct the yearly or other more frequent audit of the Federal Fund;
- (x) Set the salaries, conditions and work location of the Federal Officers of the SPSF Group
- (xi) Authorise the Federal Executive to employ and terminate the employment of staff of the Group;
- (xii) Authorise any step or proceeding before a relevant tribunal or Court necessary to protect or promote the interests of the Union or its members.
- (xiii) Dismiss from office any person elected to an office within the Group who has been found guilty or no longer eligible in accordance with the rules of the Group under **Rule 62**
- (xiv) Rescind or vary any resolution made by the Federal Executive pursuant to **Rule 4.2**;
- (xv) Do all things necessary or convenient for the exercise of its powers.
- (xvi) For the purposes of managing the Federal fund -
 - Buy, sell, rent, lease, sublet or otherwise deal with any property, real or personal,
 - Enter into any contract,
 - Borrow money and mortgage or charge any of the real or personal property of the Group,
 - Establish any company or trust to hold, or assign on trust, any real or personal property of the Federal Fund

3.8 Federal Council - Ordinary Meetings

- (a) Ordinary meetings of the Federal Council will normally be held annually. Meetings may be conducted by:
 - (i) Personal attendance;
 - (ii) Virtual meeting technology
 - (iii) Teleconference; or
 - (iv) A combination of any of (i), (ii), or (iii).
- (b) The Federal Council will determine the date, time, and location of a meeting, and how a meeting will be conducted.
- (c) Where the arrangements for an ordinary Federal Council meeting have not been determined by the Council, either the Federal Executive or the Federal Secretary and the Federal President acting together may determine the time, location and the means by which the next Federal Council meeting will be conducted.
- (d) The Federal Secretary must provide at least sixty (60) days' notice of any ordinary meeting of Federal Council to the Federal Councillors and each Branch Secretary.

3.9 Federal Council – Business of ordinary meetings

(a) Chair

The Federal President will chair meetings of Federal Council.

- (i) In their absence the most Senior Federal Vice-President in attendance will chair, or

3. FEDERAL COUNCIL

- (ii) In the absence of the President and all the Federal Vice-Presidents, a Federal Council Delegate elected by the Delegates in attendance will chair.
- (b) Federal Council shall determine the order of business.
- (c) **Agenda items**
 - (i) A Federal Council Delegate, a Federal Executive Member, or any Branch may require an item be placed on the agenda for a Federal Council meeting.
 - (ii) Items for the agenda shall be given to the Federal Secretary at least thirty (30) days prior to the date of the meeting.
 - (iii) The Federal Secretary shall provide each Branch Secretary and Federal Councillor with at least thirty (30) days notice of the agenda.
 - (iv) A Federal Council member may request to add any matter to the agenda. A resolution carried by a majority of the votes exercisable at the meeting is required to add the item.
 - (v) The notice requirements of this sub-rule are directory and not mandatory.
- (d) Nothing in this rule prevents:
 - (i) Federal Council placing an item on the agenda of a future meeting of Federal Council;
 - (ii) Federal Executive submitting an item to a ballot under **Rule 3.11**; or
 - (iii) An item being referred to Branches for consideration.
 - (iv) The addition, amendment, or rescission of any rule by out of session ballot in accordance with the requirements of **Rule 3.11**.
- (e) **Postal ballot on any decision**

Any three branches acting together or a combination of branches which include between them a majority of financial members of the Group may within ninety (90) days of the meeting of the Federal Council or Federal Executive request a postal ballot of the whole of the financial membership of the Group on any decision of Federal Council or Federal Executive

 - (i) The request must be supported by resolution of the respective Branch Councils; and
 - (ii) The ballot shall be conducted by the Federal Returning Officer at the expense of all the Branches. Each Branch shall within two weeks of being requested pay the expenses of the postal ballot estimated by the Returning Officer on a proportionate basis. The result of any such ballot shall be binding on the Federal Council or Federal Executive.
- (f) **Minutes**

The Federal Secretary shall forward to each Branch and to each member of Federal Council a copy of the draft minutes prior to the date of the next meeting of Federal Council.

3.10 Federal Council - Special Meetings

- (a) Special meetings of Federal Council may be convened by:
 - (i) Resolution of Federal Executive; or by
 - (ii) The Federal President and Federal Secretary acting together.
- (b) Branches may request the Federal Secretary to convene a special meeting of Federal Council by:

3. FEDERAL COUNCIL

- (i) Resolution passed by three (3) Branch Councils; or
- (ii) Resolution passed by a combination of Branch Councils where the Federal Council Delegates of those branches constitute a majority of the financial members of the Group.
- (c) The resolutions in **3.10(b)(i)** or **(ii)** must detail the business to be transacted by the special meeting of Federal Council.
- (d) The Federal Secretary will provide all members of Federal Council reasonable notice of the special meeting of Federal Council specifying the business to be transacted and will convene a special meeting of Federal Council for a date not later than thirty (30) days from the date on which the request was made.

3.11 Federal Council – Out Of Session Decisions

- (a) The purpose of this rule is to provide a means of obtaining prompt decisions.
- (b) Any decision Federal Council has the power to make at a meeting may be made by ballot in the manner set out in this rule.
- (c) The Federal Secretary shall submit any ballot under this rule requested by:
 - (i) Federal Council;
 - (ii) Federal Executive;
 - (iii) The Federal President and Federal Secretary acting together; or
 - (iv) Any two Branches.
- (d) The ballot will be conducted of all members of the Federal Council.
 - (i) Federal Council members must be given in writing the question which is the subject of the ballot; and notice of the period required to return the ballot.
 - (ii) The voting period will be not less than 14 days.
- (e) Notice, and return of the ballot, may be given by—
 - (i) Hand,
 - (ii) Post or courier,
 - (iii) Email, or
 - (iv) Other electronic means.
- (f) A ballot under this rule shall be determined in the same manner as applies to a resolution at meetings of Federal Council, that is, a simple majority of votes exercised. Votes will be allocated in accordance with **Rule 3.4**.
- (g) A member of Federal Council at the time the ballot is forwarded may vote in that ballot.
- (h) If a person ceases to be a member of Federal Council after a ballot commences but before they cast their vote, the vote shall be reallocated to the remaining Federal Council Delegates from their Branch.
- (i) A decision under this rule is carried if supported by a majority of the total votes exercised; and:
 - (i) For a ballot conducted as a result of a resolution of Federal Council or Federal Executive, no less than 50 percent of the total votes exercisable by Federal Councillors have been exercised; or
 - (ii) In any other case, no less than 75 percent of the total votes exercisable by Federal Councillors have been exercised.

4. FEDERAL EXECUTIVE

- (j) If the majority required in **sub rule 3.11(i)** is reached before the time appointed for close of a ballot, the decision may be declared carried at that date.

4. FEDERAL EXECUTIVE

4.1 Federal Executive - Constitution

- (a) The Federal Executive shall consist of Federal Executive Members.
- (b) At every meeting of the Federal Executive a quorum shall be a number of Federal Executive members necessary to exercise a majority of the votes entitled to be cast. Attendance at the meeting by any means prescribed by the rules will count for the purposes of a quorum.
- (c) The voting members present from each Branch, shall be entitled to exercise the same number of votes as the Federal Council Delegates from that Branch are entitled to exercise at a Federal Council Meeting.
- (d) If the majority of voting Federal Executive Members from a Branch who are present do not agree on the manner in which the votes shall be exercised the votes shall be divided equally between them and for the purposes of this sub-rule fractions of a vote may be cast.
- (e) The Federal Secretary, if not a voting member from a Branch, shall have all the rights and duties of a Federal Executive Member except the right to vote.
- (f) At any Federal Executive meeting the delegates from a Branch will not be entitled to exercise any voting entitlement unless national subscriptions, capitations and levies owed by the Branch are paid consistent with **Rule 52**.

4.2 Federal Executive Powers

- (a) The Federal Executive is the Committee of Management of the Group between meetings of Federal Council.
- (b) The Federal Executive, subject to any direction or resolution of Federal Council, will have all the powers of the Federal Council with the exception of:
 - (i) The powers conferred on Federal Council by **Rule 3.7 (b)(i),(ii),(iii), (iv) and (vi)**;
 - (ii) the power to hear appeals, other than when rule 62 applies; or
 - (iii) Any power expressly reserved to itself by decision of Federal Council.

Provided that, any resolution of Federal Executive may be rescinded or varied by the Federal Council.

- (c) A Federal Executive Member may request at a meeting that any question before the Federal Executive be referred to Federal Council.
 - (i) Any such request will be put to a vote.
 - (ii) Where a question is referred to Federal Council as a result of the passing of such a resolution the Federal Executive shall not determine the question.

4.3 Federal Executive Meetings

- (a) Federal Executive meetings may be conducted by
 - (i) Personal attendance;
 - (ii) Virtual meeting technology
 - (iii) Teleconference; or
 - (iv) A combination of any of (i), (ii), or (iii).

4. FEDERAL EXECUTIVE

- (b) Federal Executive shall meet at least once each quarter.
- (c) Meetings of Federal Executive may be called by:
 - (i) Federal Executive;
 - (ii) The Federal Secretary in consultation with the Federal President; or by
 - (iii) Resolution passed by two or more Branches.
- (d) The Federal Secretary in consultation with the Federal President will determine the date, time, and location of a meeting, and the means by which a meeting will be conducted.
- (e) Where a meeting has been requested under **Rule 4.3(c)(iii)**, the Federal Secretary will schedule the meeting within 21 days of receipt of the resolutions.
- (f) Unless urgent circumstances prevail, the Federal Secretary will provide Federal Executive Members at least 7 days notice of a meeting of Federal Executive specifying the business to be transacted.
- (g) The Federal Secretary after consultation with the Federal President may call a special meeting provided that such meeting shall not be held before a meeting which has been previously requested in accordance with **Rule 4.3(c)(iii)**.

4.4 Federal Executive Business

- (a) Meetings of Federal Executive will be chaired by the Federal President.
 - (i) In their absence, the most Senior Federal Vice-President in attendance will chair or
 - (ii) In the absence of the President and all the Federal Vice-Presidents, the meeting will be cancelled.
- (b) Federal Executive shall decide its own order of business.
- (c) Items may be placed on the agenda of any meeting of Federal Executive by Federal Council, Federal Executive Members, or any Branch.
- (d) The Federal Secretary shall prepare an agenda for the meeting.
- (e) Notice of the meeting and agenda may be given by—
 - (i) hand;
 - (ii) post or courier;
 - (iii) email;
 - (iv) telephone;
 - (v) facsimile transmission; or
 - (vi) other electronic means.
- (f) Failure to provide an agenda will not invalidate or otherwise affect a vote or meeting of the Federal Executive.
- (g) The Federal Secretary shall give each Branch Secretary and Federal Executive Member reasonable notice of agenda items.

4.5 Federal Executive – Out Of Session Decisions

- (a) The purpose of this rule is to provide a means of obtaining prompt decisions.
- (b) Any decision Federal Executive has the power to make at a meeting may be made by ballot in the manner set out in this rule.
- (c) The Federal Secretary shall submit any ballot under this rule requested by:

5. PROXY VOTING

- (i) Federal Council;
 - (ii) Federal Executive;
 - (iii) Federal Secretary in consultation with the Federal President; or
 - (iv) Any two Branches.
- (d) The ballot will be conducted of Federal Executive Members.
- (i) Federal Executive members must be given in writing the question which is the subject of the ballot; and notice of the period required to return the ballot.
 - (ii) The voting period will be not less than 7 days.
- (e) Notice, and return of the ballot, may be given by—
- (i) hand;
 - (ii) post or courier;
 - (iii) email;
 - (iv) facsimile transmission; or
 - (v) other electronic means.
- (f) A ballot under this rule shall be determined in the same manner as applies to a resolution at meetings of Federal Executive, that is, a simple majority of votes exercised. Votes will be allocated in accordance with **Rule 3.4**.
- (g) A Federal Executive Member at the time the ballot is forwarded may cast their vote in that ballot.
- (h) If a person ceases to be a Federal Executive Member after a ballot commences but before they cast their vote, the vote shall be reallocated to the remaining Federal Executive Member from their Branch.
- (i) The outcome of an out of session ballot must be reported to the next Federal Executive meeting and noted in the minutes.

5. PROXY VOTING

5.1 Federal Council and Federal Executive

- (a) A Federal Councillor, or Federal Executive Member who is unable to attend all or part of a meeting may appoint a proxy.
- (b) A proxy must be a financial member of the Group.
- (c) A proxy has all the powers of the person they represent, except the right to participate in a ballot for Federal Officers under **Part 3 – Elections and appointments**
- (d) The proxy must act in accordance with any direction issued by the person they represent.
- (e) A proxy is entitled to exercise votes allocated to them and votes allocated to the person they represent.
- (f) At any meeting, a person shall not act as a proxy for more than one person.
- (g) If a Federal Councillor or Federal Executive Member will be absent from a meeting and has not appointed a proxy consistent with these rules, the Branch Council of that person may appoint any financial member of the Group to act as their proxy.

5.2 Branch Council

- (a) A Branch Councillor who is unable to attend all or part of a meeting may appoint a proxy.
- (b) A proxy must be a financial member of the Branch.
- (c) A proxy has all the powers of the person they represent, except the right to participate in a collegiate ballot for Branch Officers.
- (d) The proxy must act in accordance with any direction issued by the person they represent.
- (e) The person appointing a proxy must advise the Branch Secretary in writing of the appointment.
- (f) A proxy is entitled to exercise votes allocated to them and votes allocated to the person they represent.
- (g) At any meeting, a person shall not act as a proxy for more than one person.
- (h) A proxy may not be appointed for a meeting of the Branch Executive.

6. BRANCHES

6.1 Branches

- (a) The Federal Council may form a Branch or Branches in any State.
- (b) Each Branch shall at all times conform to the rules of the Union.
- (c) Each Branch shall have full autonomy in matters affecting members of the Branch.
- (d) An Associated Body may request the participation of the Group in any matter within a particular state including proceedings before any State tribunal.
- (e) Branch rules are void to the extent of any inconsistency with a rule under Chapter C.
- (f) Each Branch shall have power to establish reform or dissolve any body under its rules, and to determine or vary their powers and duties.
- (g) If the Federal Council or Federal Executive considers the rules of a Branch do not comply with the requirements of the Act, or these Rules, Federal Council or Federal Executive may call on the Branch to bring its rules into conformity with the Act or these Rules within a specified time.
- (h) If the rules of the Branch have not been altered within the time specified, Federal Council or Federal Executive may make such alterations to the rules of the Branch to bring them into conformity with the Act.
- (i) If a Branch affiliates with, or will be represented on any national or international organisation, body or meeting they must advise the Federal Secretary.
- (j) A Branch shall not affiliate with a political party unless:
 - (i) Prior consent of the Federal Council has been given; and
 - (ii) Prior approval to the specific proposal for affiliation has been given by majority vote in a ballot of all financial members of the Branch.

7. BRANCH COUNCIL

7.1 Branch Council - Constitution

- (a) Each Branch Council shall consist of
 - (i) The Branch Officers and Delegates to the Branch Council.

7. BRANCH COUNCIL

- (ii) Branch rules may specify the number of Delegates to the Branch Council or a Branch Representation Quota.
- (iii) If the Branch Rules do not provide for either the number of delegates to the Branch Council or a Branch Representation Quota the quota shall be 500 branch members or part of it.

(b) Branch electorates

- (i) Branch rules may provide that the financial members of the Branch shall be allocated to one or more electorates for the purpose of electing the Delegates to the Branch Council.
- (ii) Every financial member shall be included in only one electorate.
- (iii) The rules of a Branch may define, or provide the means of defining, the electorates, including minimum size. An electorate shall not be established with less than the minimum size.
- (iv) The rules of the Branch shall provide a means of reviewing or redefining electorates if they fall below the minimum size.

(c) Reserved positions – Women and Men

Branch rules may provide that a number of positions of Delegate to Branch Council shall be reserved for women and a number reserved for men in each electorate.

(d) Branch financial membership determination for elections

- (i) In this rule a reference to "financial members" is a reference to financial members as at 31st December in the year preceding an election.
- (ii) A Branch Secretary may as soon as practicable after the 31st December in each year but no later than the first meeting of the next year provide to a meeting of the Branch Council a report on membership as at the 31st December of that year showing the number of financial members in the Branch in each electorate and in each class of members relevant to determining any matter under this rule. If such report is provided it shall be conclusive of the number of financial members and their disposition.
- (iii) The disposition of financial members into a class of members relevant to determining any matter under this rule shall be determined by the Branch Secretary by reference to the membership and subscription records held by the Branch or Associated Body as the case may be. The membership and subscription records are deemed to be conclusive as to the disposition of financial members. Where a member may be in more than one class of members relevant to determining any matter under this rule the Branch Secretary shall determine the disposition of the member.
- (iv) Any report provided under this subrule shall be forwarded by the Branch Secretary to the Federal Secretary.

7.2 Powers of Branch Council

- (a) Branch Council shall have power to control and manage the business and affairs of the Group in the State in which the Branch is established subject to any limitations set out in the Federal Council decision establishing the Branch.
- (b) Those powers are subject to:
 - (i) the rules; and
 - (ii) any direction of Federal Council or Federal Executive .

7. BRANCH COUNCIL

- (c) Branch Council shall have power to:
- (i) Authorise any action necessary to advance the interests of Branch members. Such actions shall only have application to members of the Branch.
 - (ii) Authorise any step or proceeding before a relevant tribunal or Court necessary to protect or promote the interests of the Union or its members.
 - (iii) Make, amend, and rescind rules for the regulation and government of the Branch;
 - (iv) Establish a Sub-Branch within its Branch rules subject to approval by the Federal Executive or Federal Council.
 - (v) Enrol in the Group any person whose employer is located in the State in which the Branch is established, who is qualified for membership of the Group, and who is qualified for membership of the Branch in the terms of the Federal Council decision establishing the Branch.
 - (vi) Refuse admission to any person in accordance with the provisions of the Act.
 - (vii) Determine a code of conduct for Branch members and Branch officers.
 - Where the Branch has determined under these rules to apply a code of conduct,
 - a copy of that code must be placed on the Branch website and
 - a copy provided to a Member requesting the code.
 - (viii) Conduct an inquiry and discipline a Branch officer or member under Rule 62.
 - (ix) Determine entrance fees and Branch union subscriptions payable by candidates for membership and members of the Group attached to the Branch. At no time shall Branch union subscriptions be less than the national union subscriptions or capitation dues.
 - (x) Impose levies on members.
 - (xi) Remit entrance fees, subscriptions, levies fixed or imposed under this Rule.
 - (xii) Authorise the disbursement of moneys from the Branch Fund for any purpose within the objects of the Union.
 - (xiii) Appoint or remove a Branch Returning Officer qualified to act in accordance with the Act.
 - (xiv) Appoint or remove a Branch Auditor qualified to act in accordance with the Act.
 - (xv) Determine allowances or honoraria payable to Branch officers.
 - (xvi) Set the salaries, conditions, work and location of the Branch Officers
 - (xvii) Authorise a Branch Officer or Officers to employ and terminate the employment of staff of the Branch.
 - (xviii) Direct a delegate to Federal Council to vote or act in a manner which is consistent with a direction by the Branch.
 - (xix) Subject to **Rule 62** dismiss from office any person elected to an office within the Branch who has been found guilty in accordance with the rules of the Group of

- misappropriation of the funds of the Union.
 - a substantial breach of the rules of the Union.
 - gross misbehaviour or gross neglect of duty; or
 - who has ceased according to the rules of the Group to be eligible to hold the office.
 - Any such person shall have a right of appeal to the Federal Council.
- (xx) Do all things necessary or convenient for the exercise of its powers.
- (xxi) For the purposes of managing the Branch fund -
- Buy, sell, rent, lease, sublet or otherwise deal with any property, real or personal,
 - Enter into any contract,
 - Borrow money and mortgage or charge any of the real or personal property of the Branch,
 - Establish any company or trust to hold, or assign on trust, any real or personal property of the Branch Fund.

7.3 Branch Council Meetings

- (a) Branch Council will meet at least quarterly.
- (b) Meetings will be convened by the Branch President or in their absence the Branch Vice-President(s) or in their absence the Branch Secretary.
- (c) Meetings may be conducted by
 - (i) Personal attendance;
 - (ii) Virtual meeting technology
 - (iii) Teleconference; or
 - (iv) A combination of any of (i), (ii), or (iii).
- (d) The Branch President and Branch Secretary acting together shall have power to convene special meetings of Branch Council, determine when, where and for what purpose such meeting shall take place.
- (e) Reasonable notice of all meetings will be given to each member of Branch Council.
- (f) The quorum for every Branch Council meeting shall be a majority of those entitled to attend and vote. Attendance at the meeting by any means prescribed by the rules (eg proxy or electronic means) will count for the purposes of a quorum. Branch rules may provide for a different quorum.

7.4 Branch Council – Out Of Session Decisions

- (a) The purpose of this rule is to provide a means of obtaining prompt decisions.
- (b) Any decision Branch Council has the power to make at a meeting may be made by ballot in the manner set out in this rule.
- (c) The Branch Secretary will submit any ballot under this rule requested by any member of Branch Council.
- (d) The ballot will be conducted of all members of the Branch Council.

8. BRANCH EXECUTIVE

- (i) Branch Council members must be given in writing the question which is the subject of the ballot; and notice of the period required to return the ballot.
- (ii) The voting period will be not less than 7 days.
- (e) Notice, and return of the ballot, may be given by—
 - (i) hand;
 - (ii) post or courier;
 - (iii) email;
 - (iv) facsimile transmission; or
 - (v) other electronic means.
- (f) A ballot under this rule shall be determined in the same manner as applies to resolutions at meetings of Branch Council, that is, a simple majority of votes exercised.
- (g) A member of Branch Council at the time the ballot is forwarded may exercise their vote in that ballot.
- (h) If the majority required in **sub rule 7.4(f)** is reached before the time appointed for close of a ballot, the decision may be declared carried at that date.

7.5 Business of Branch Council

- (a) Branch Council shall determine its own order of business, except for a special meeting,
- (b) Any item, except an item within the scope of **Rule 7.2(c)(iii)**, may be placed on the agenda of any meeting of Branch Council.
- (c) Any item within the scope of **Rule 7.2(c)(iii)** may be placed on the agenda of a meeting of Branch Council by resolution of Branch Executive or Branch Council. In this case the Branch Secretary must provide members of Branch Council at least 14 days notice of the meeting specifying the business to be transacted.
- (d) Unless urgent circumstances prevail, the Branch Secretary will provide members of Branch Council at least 7 days notice of a meeting of Branch Council specifying the business to be transacted.
- (e) If the Branch Executive or Branch Council recommends Branch rule changes notice shall be given to the Branch Secretary at least twenty one (21) days prior to the meeting of Branch Council.

8. BRANCH EXECUTIVE

8.1 Branch Executive - Constitution

- (a) The Branch Executive shall consist of the Branch Officers.
- (b) At every meeting of the Branch Executive the quorum necessary for the transaction of the business of the Branch Executive shall be a majority of those entitled to attend and vote or such other number or proportion as the rules of the Branch may provide.
- (c) Attendance at the meeting by any means prescribed by the rules will count for the purposes of a quorum.

8.2 Branch Executive - Powers

- (a) The Branch Executive is the Committee of Management of the Branch between meetings of Branch Council and pending the first meeting of Branch Council.

9. ACTU DELEGATES

- (b) Branch Executive shall have all powers except the power to make, amend or rescind rules or any power expressly reserved to itself by resolution of Branch Council.
- (c) Branch Executive may make out of session decisions in accordance with **Rule 7.4** with the necessary modifications.

8.3 Branch Executive - Meetings

- (a) Branch Executive shall meet at least quarterly between meetings of Branch Council and whenever required by the Branch President. The Branch President after consultation with the Branch Secretary, will determine the date, time, and location of a meeting, and the means by which a meeting will be conducted.
- (b) Meetings may be conducted by
 - (i) Personal attendance,
 - (ii) Virtual meeting technology
 - (iii) Teleconference; or
 - (iv) A combination of any of (i), (ii), or (iii).
- (c) The business of a meeting of the Branch Executive shall be such items as are submitted for the consideration of the Branch Executive to the Branch Secretary at least twenty-four (24) hours prior to the meeting of Branch Executive
- (d) The Branch Secretary will provide all members of Branch Executive with reasonable notice of meetings of Branch Executive specifying the business to be transacted

9. ACTU DELEGATES

9.1 A Branch shall be entitled to appoint delegates to an ACTU Congress or Special Conference provided they have remitted all monies due in accordance with **Rule 31**,

9.2 The following formula will apply:

$$\text{No. of delegates} = \frac{a}{b} \times c$$

- a Number of Branch financial members as at 31 December in the year preceding Congress/Special Conference
- b Total number of Group financial members as at 31 December in the same year as in "a".
- c Number of delegates allocated to the Group by the ACTU less one position which shall be allocated to the Federal Secretary

9.3 Any fractional remainder shall at first be disregarded. If any positions remain to be allocated they shall be allocated to Branches in order of the size of the fractional remainders, beginning with the largest.

9.4 Branch ACTU delegates shall be determined by the Branch Council and the names must be notified to the Federal Secretary

9.5 The Group's delegation will be bound by decisions of:

- (a) The Federal Council; or
- (b) Meetings of delegates to the ACTU Congress/Special Conference in respect of matters before such Congress/Special Conference.

11. REGISTERED OFFICE

- 9.6** Each Branch may forward to the Federal Secretary items for submission to the ACTU Congress/Special Conference, subject to these rules and Union policy. The Federal Secretary shall forward such items in accordance with the requirements of the ACTU.

10. INDUSTRY AND ADVISORY BODIES

- 10.1** Federal Council or Federal Executive may establish an Industry or Advisory Body for any class or group of members.
- (a) An Industry or Advisory Body shall be constituted by at least one delegate from each of the Branches which has members in the specified class or group.
- (b) Branch delegates to an Industry or Advisory Body shall be determined from time to time by the Branch Council.
- 10.2** Meetings will be convened by the Federal Secretary as required.
- 10.3** Meetings of an Industry or Advisory Body may be conducted by
- (a) personal attendance;
- (b) by electronic means such as teleconferencing or videoconferencing; or
- (c) by a combination of personal attendance and electronic means.
- 10.4** The Federal Secretary and the Federal President or their nominees shall be ex officio members of any Industry or Advisory Body. The activities of an Industry and Advisory Body will conform to Union Rules and policy.
- 10.5** An Industry or Advisory Body shall exercise such functions delegated to it by the Federal Council or the Federal Executive in a resolution concerning matters relating to the particular class or group of members for which the Body has been established.
- 10.6** The duties of Industry and Advisory Body Delegates are:-
- (a) To represent their Branch on the Industry or Advisory Body, and
- (b) To report to the Branch and to the members they represent, the business and decisions of the Industry or Advisory Body meetings.
- 10.7** Following each meeting, an Industry or Advisory Body shall submit a written report on decisions and recommendations made and action taken on any matter to the Federal Secretary for circulation to Federal Executive, Federal Council and Branch Secretaries.
- 10.8** The Federal Executive shall provide such financial and other resources for the meetings and activities of each Industry or Advisory Body as it deems necessary and reasonable.
- 10.9** Industry and Advisory Bodies shall appoint their own Chair and Secretary.
- 10.10** In any vote taken by an Industry or Advisory Body, each Branch's delegates shall have a total vote equal to the number of financial members in the specified class or group in the Branch they represent as at 31 December in the year preceding.

Part 2—OPERATIONS

11. REGISTERED OFFICE

- 11.1** The office of the Group shall be at the address determined by the Federal Council.
- 11.2** The office of each Branch shall be at the address determined by the Branch Council.

12. FEDERAL OFFICERS

12.1 Composition

- (a) The Federal Officers are:
 - (i) Federal President,
 - (ii) Federal Vice- Presidents, and
 - (iii) Federal Secretary.

12.2 Federal Secretary Duties

- (a) The Federal Secretary will be the Executive Officer of the SPSF Group and, subject to the direction of the Federal Council and the Federal Executive, will be responsible for the effective administration and operation of the SPSF Group. The Federal Secretary will do all things necessary to further and protect the interests of the SPSF Group and its members.
- (b) Without limiting the generality of **Rule 12.2(a)**, the Federal Secretary shall:
 - (i) Ensure that decisions of Federal Council and Federal Executive are implemented,
 - (ii) Attend all meetings of Federal Council and Federal Executive and any committee of the Group,
 - (iii) Develop the strategic plan to achieve the directions and objectives of the Union,
 - (iv) Prepare a budget each year for the operations of the Union consistent with the strategic plan,
 - (v) Prepare an agenda of the business to be transacted at each meeting,
 - (vi) Prepare, circulate and present minutes of the business transacted at each meeting,
 - (vii) Ensure that a record of the proceedings and resolutions of any meeting of the Federal Council and Federal Executive are kept in minute books,
 - (viii) Direct such staff as are necessary to assist the SPSF Group conduct its affairs, and fix the salary, remuneration, duties and delegated responsibilities of such staff;
 - (ix) Sue or accept service of process on behalf of and in the name of the Group,
 - (x) Keep proper books of account of the Group and see to the preparation of an annual balance sheet and statement of receipts and payments,
 - (xi) Ensure that all matters required of a Registered Organisation under the Act are dealt with in the manner prescribed in the Act and Regulations.
- (c) The Federal Secretary may delegate any power, authority, duty or function under these rules to any officer or employee subject to **Rule 64**.
- (d) The Federal Secretary may execute documents not required to be under seal of the Union on behalf of the Group. A Federal Officer, whose signature shall be attested by one other Federal Officer, may also execute such documents.
- (e) The Federal Secretary shall be an ex officio member of any Federal committee of the Group.

12.3 Federal President Duties

- (a) The Federal President shall:
 - (i) Preside at and conduct all meetings of Federal Council and Federal Executive,

13. BRANCH OFFICERS

- (ii) In the absence of the Federal Secretary, exercise all the rights and perform all the duties of the Federal Secretary, unless the Federal Secretary has otherwise delegated their authority.
 - (iii) In consultation with the Federal Secretary convene meetings of Federal Council and Federal Executive,
 - (iv) Exercise a deliberative vote at all meetings of Federal Council and Federal Executive,
 - (v) Ensure as far as possible that the rules of the Union are performed and observed by officers and members of the Group,
 - (vi) Request and receive an explanation from any officer or member of the Group in any case where the Federal President believes that the rules of the Union may not have been performed or observed and report thereon to Federal Executive and Federal Council,
 - (vii) Generally act to safeguard the reputation, unity and property of the Union.
- (b) The Federal President shall be an ex officio member of any Federal committee of the Group.

12.4 Federal Vice-Presidents Duties

The most senior Federal Vice-President, as determined by **Rule 32.5**, shall exercise all of the rights and perform all of the duties of the Federal President

- (a) In their absence, or
- (b) On delegation of the Federal President, or
- (c) Any period when the Federal President exercises the Federal Secretary powers in Rule 12.3(a)(ii).

13. BRANCH OFFICERS

13.1 Composition

The Branch Officers are:

- (a) Branch President
- (b) Branch Vice President(s)
- (c) Branch Secretary
- (d) Branch Assistant Secretary(s)
- (e) Branch Treasurer (if applicable)
- (f) Executive Councillors (if applicable)

13.2 Branch rules may provide for one or more Executive Councillors to represent

- (a) A particular class of members or
- (b) Group of members or
- (c) All members.

13.3 Branch President Duties

The Branch President shall:

- (a) Preside at all meetings of Branch Council and Branch Executive,
- (b) Determine the date, time and place of meetings of Branch Council and Branch Executive in consultation with the Branch Secretary,

13. BRANCH OFFICERS

- (c) Exercise a deliberative vote at all meetings of Branch Council and Branch Executive,
- (d) Ensure as far as possible that the rules of the Branch are performed and observed by officers and members of the Branch,
- (e) Request and receive an explanation from any officer or member of the Branch in any case where the Branch President believes that the rules of the Branch have not been performed or observed and report thereon to Branch Executive and Branch Council,
- (f) Generally act to safeguard the reputation, unity, autonomy and property of the Branch,
- (g) The Branch President shall be an ex officio member of any committee of the Branch.

13.4 Branch Vice-President Duties

- (a) The Branch Vice-President(s) shall exercise all of the rights and perform all of the duties of the Branch President:
 - (i) In their absence, or
 - (ii) On delegation of the Branch President.
- (b) Branch rules may provide for the determination of seniority of Branch Vice Presidents and allocation of duties.

13.5 Branch Secretary Duties

- (a) The Branch Secretary will be the Executive Officer of the Branch and, subject to the direction of the Branch Council and Branch Executive, will be responsible for the effective administration and operation of the Branch. The Branch Secretary will do all things necessary to further and protect the interests of the Branch and its members.
- (b) Without limiting the generality of **Rule 13.5(a)**, the Branch Secretary will:
 - (i) Ensure that decisions of Branch Council and Branch Executive are implemented.
 - (ii) Attend all meetings of Branch Council and Branch Executive and any committee of the Branch.
 - (iii) Prepare an agenda of the business to be transacted at each such meeting.
 - (iv) Prepare, circulate and present minutes of the business transacted at each such meeting.
 - (v) Ensure that a record of the proceedings and resolutions of any meeting of the Branch Council and Branch Executive are kept in minute books.
 - (vi) Direct such staff as are necessary to assist the Branch conduct its affairs, and fix the salary, remuneration, duties and delegated responsibilities of such staff,
 - (vii) Sue or accept service of process on behalf of and in the name of the Branch.
 - (viii) Keep proper books of account of the Branch and see to the preparation of an annual balance sheet and statement of receipts and payments.
 - (ix) Ensure that all matters required of a Registered Organisation under the Act are dealt with in the manner prescribed in the Act and Regulations.
- (c) The Branch Secretary may delegate any power, authority, duty or function under these rules to any officer or employee subject to **Rule 64**.
- (d) The Branch Secretary shall be an ex officio member of any Branch committee.
- (e) The Branch Secretary will hold the following offices ex-officio:

14. DEFINITIONS

- (i) Federal Vice-President, except where the Branch Secretary also holds the office of Federal Secretary. Rule 32.4 will apply.
- (ii) Branch Delegate to the Federal Council.

13.6 Branch Assistant Secretary Duties

- (a) The Branch Assistant Secretary will:
 - (i) Perform the duties specified under the Branch rules; and
 - (ii) Assist the Branch Secretary to perform the duties of the Branch Secretary; or
- (b) In the absence of the Branch Secretary:
 - (i) Act as the Branch Secretary, or
 - (ii) Perform duties directed by Branch Council or Branch Executive. Any instructions may include some or all of the duties of the Branch Secretary as may be specified in each instruction.

Part 3—ELECTIONS AND APPOINTMENTS

Guide to this part

Group and Branch elections are held every 4 years by a combination of direct and collegiate voting. The rules are set out as follows:

- Part 3A is about the organisation of elections
- Part 3B is about offices elected by direct voting system
- Part 3C is about offices elected by collegiate voting system
- Part 3D is about the voting and appointment system

Part 3A—ORGANISATION OF ELECTIONS

14. DEFINITIONS

14.1 the Act

Means the *Fair Work (Registered Organisations) Act 2009*.

14.2 Candidate

Means a person who seeks or is nominated for an office. Also known as a nominee.

14.3 Close of Roll Day

The date set for the close of the roll of voters in the election notice under **Rule 17.2(e)**.

14.4 Collegiate electoral system

Means a method of election comprising a first stage, at which persons are elected to a number of offices by a direct voting system; and a subsequent stage (or subsequent stages) at which persons are elected by and from the body of persons elected at the preceding stage.

15. ELECTIONS

14.5 Direct voting system

Means a method of election at which all eligible financial members vote.

14.6 Financial member

Means a member whose payments of entrance fees, subscription, levies or fines are not more than three months in arrears.

14.7 Irregularity

Has the same meaning as the definition contained in Section 6 of the *Fair Work (Registered Organisations) Act 2009*.

14.8 Nominator

Means a person who nominates another person for office. The rules should specify whether a Nominator or Nominators are required to validate the Nomination.

14.9 Nominee

Means the person nominated for office. Also known as a candidate.

14.10 Office and officer

Has the same meaning as the definition contained in Section 9 and Section 6 of the *Fair Work (Registered Organisations) Act 2009* respectively.

14.11 Prescribed officer

The office holder or employee within the organisation who is authorised by the committee of management to make available the register of members to the returning officer.

14.12 Returning officer

Means, in relation to elections conducted by the Australian Electoral Commission, an employee of the Australian Electoral Commission. In other cases, it means the person appointed under the rules to conduct the election.

15. ELECTIONS

15.1 Order of elections

The Returning Officer will arrange for Branch and Group elections to occur in the following order:

| Stage | Election | Electorate | Voting system |
|---------|-------------------------------|---|-----------------------|
| Stage 1 | Branch Secretary | By and from all Branch members | Direct voting system |
| Stage 1 | Assistant Branch Secretary(s) | By and from all Branch members | Direct voting system |
| Stage 1 | Delegates to Branch Council | By and from <ul style="list-style-type: none">• All Branch members, or• Branch Members of a relevant electorate, or• Class or group of Branch members | Direct voting system |
| Stage 1 | Branch President | By and from | Direct voting system. |

15. ELECTIONS

| Stage | Election | Electorate | Voting system |
|---------|--|--|--|
| | | <ul style="list-style-type: none"> All Branch members, or Branch Council | A collegiate voting system may apply under Branch Rules |
| Stage 1 | Branch Vice President(s) | By and from <ul style="list-style-type: none"> All Branch members, or Branch Council | Direct voting system. A collegiate voting system may apply under Branch Rules |
| Stage 1 | Branch Treasurer (if required by Branch rules) | By and from <ul style="list-style-type: none"> All Branch members, or Branch Council | Direct voting system. A collegiate voting system may apply under Branch Rules |
| Stage 1 | Branch Executive Councillor(s) (if required by Branch rules) | By and from <ul style="list-style-type: none"> All Branch members, or Branch Council | Direct voting system. A collegiate voting system may apply under Branch Rules |
| Stage 2 | Branch President | By and from Branch Council | Collegiate voting system if Branch rules provide |
| Stage 2 | Branch Vice President(s) | By and from Branch Council | Collegiate voting system if Branch rules provide |
| Stage 2 | Branch Treasurer (if required by Branch rules) | By and from Branch Council | Collegiate voting system if Branch rules provide |
| Stage 2 | Branch Executive Councillor(s) (if required by Branch rules) | By and from Branch Council | Collegiate voting system if Branch rules provide |
| Stage 3 | Federal Secretary | From and by all union members | Direct voting system |
| Stage 4 | Federal Council Delegate | From and by the respective Branch Council | Collegiate voting system |
| Stage 4 | Branch Representative to Federal Executive | From and by the respective Branch Council | Collegiate voting system at the same time that Federal Council delegates are elected Persons elected to the office of Branch Representative to Federal Executive are appointed ex officio as a Federal Council Delegate |

15. ELECTIONS

| Stage | Election | Electorate | Voting system |
|---------|--|---|---------------------|
| Stage 4 | Federal Vice President if Branch Secretary holds the office of Federal Secretary | Rule 32.3 requires the Branch to elect the Federal Vice President from and by the Federal Councillors of the Branch. The election will take place at the same time as the election of Federal Council delegates | Collegiate Election |
| Stage 5 | Federal President | From Federal Executive and by the Federal Council | Collegiate voting |

15.2 Ex officio appointments

An office holder in Column 1 will also hold an office in Column 2 for their Branch:

| Column 1 - Office | Column 2 - Ex – Officio office(s) |
|--|--|
| Branch Secretary | Federal Vice President, except if Rule 32.3 applies; and Federal Council Delegate |
| Branch Representative to Federal Executive | Federal Council Delegate |

15.3 Direct Voting System elections

- (a) All direct voting system (DVS) elections shall be by a secret ballot approved by the Returning Officer. The election must be conducted by postal ballot.
- (b) Branch rules may provide for DVS elections by Team voting.

15.4 Collegiate Voting System elections

- (a) All Collegiate voting system (CVS) elections shall be by a secret ballot approved by the Returning Officer. The election may be conducted:
 - (i) At a meeting of the electorate, or
 - (ii) By postal ballot, or
 - (iii) By electronic means.

15.5 Term of Office

The term of office for successful candidates will commence from the date of the declaration of the result of the election. Candidates shall hold office for 4 years or until their successors are declared elected.

15.6 Eligibility to vote

A person is eligible to vote in a ballot if they are, on Close of Roll Day, a financial member of the part of the organization that the office represents.

16. RETURNING OFFICER

16.1 Returning Officer – Powers and Duties

- (a) A returning officer, not being the holder of any office in, or an employee of, the organisation or of a branch of the organisation shall be appointed to conduct each election for office
 - (i) The Federal Returning Officer shall be appointed by Federal Council
 - (ii) The Branch Returning Officer shall be appointed by the respective Branch Council
- (b) Where a returning officer is required to conduct an election for any position other than an office, the returning officer shall apply these election rules making any necessary changes and shall have the same powers and duties as apply under these rules to the conduct of an election for office.
- (c) The returning officer shall prepare and circulate a notice calling for nominations in accordance with these rules.
- (d) After the close of nominations the returning officer shall consider all nominations received during the nomination period. The Returning officer shall reject any nominations received after the nomination period has closed.
- (e) The returning officer shall accept all nominations which satisfy the requirements of these rules.
- (f) The returning officer shall treat any defective nominations in the manner prescribed in these rules.
- (g) Where a ballot is required, the returning officer shall conduct the ballot in accordance with the provisions of these rules. The Returning Officer may approve voting by electronic means for any collegiate election for any office under these rules.
- (h) In respect to any matter pertaining to the conduct of any election, and in spite of anything else contained in these rules, the returning officer shall take such action and give such directions as the returning officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.

17. ADVERTISING

17.1 Publication

The returning officer shall cause an election notice to be published:

(a) Direct elections

- (i) In a newspaper circulating throughout the region to which the functions of the office or offices relate, or
- (ii) On the Group or Branch website, or
- (iii) In any journal or bulletin or newsletter published by the organisation electronically, or

18. SCRUTINEERS

- (iv) By other means and circulated to all members eligible to participate in the election.

(b) Collegiate Elections

- (i) On the Branch or Group websites, or
- (ii) By other means and circulated to all members eligible to participate in the election.

17.2 Election notice

The election notice shall:

- (a) State that the election is being conducted by the returning officer.
- (b) List the offices for which nominations are sought.
- (c) Invite nomination for election from all eligible persons.
- (d) Fix the time and date for the opening and closing of nominations.
- (e) Fix the date for the closure of the roll of voters by specifying a day which shall be seven days before the date fixed for the opening of nominations.
- (f) Fix the time and date for the opening and closing of the ballot.
- (g) Specify the place where nomination forms may be obtained.
- (h) Specify the place where nominations must be lodged.
- (i) Specify the accepted method/s of lodgement.
- (j) Fix a time and date for withdrawal of nominations.
- (k) Specify other documentation required to be submitted with the nomination.

18. SCRUTINEERS

18.1 Appointment

Each candidate may appoint, in writing, one person as scrutineer to represent the candidate's interests in the conduct of the ballot. A scrutineer shall not be a candidate for any position which is also included in a ballot in the election. The candidate may appoint one or more substitute scrutineers, if required.

18.2 Rights and obligations

- (a) A scrutineer may be present at any stage in the ballot. This includes:
 - (i) Countersigning any seals or placing their own seal on any receptacle being used for the ballot.
 - (ii) Bringing to the attention of the returning officer any alleged irregularity in
 - The issue of ballot papers.
 - The admission of envelopes to scrutiny.
 - The formality or informality of ballot papers.
 - The counting of votes.
- (b) A scrutineer shall not:
 - (i) Interrupt the scrutiny without lawful reason.
 - (ii) Disclose any knowledge acquired concerning the votes of any particular voter or voters.

19. ELECTION TIMETABLE – NOMINATIONS AND VOTING

- (iii) Fail to carry out any lawful request by the returning officer.
 - (iv) Touch any ballot material.
 - (v) Act in a manner which will interfere with the proper conduct of the election.
- (c) Failure of a scrutineer to attend any scheduled event will not delay any step in the election.

Part 3B—DIRECT ELECTIONS

Guide to this part

A Direct election is an election by a direct voting system at which all eligible financial members vote. Direct elections are held for the following offices:

- Branch Secretary
- Assistant Branch Secretary(s)
- Delegates to Branch Council
- Federal Secretary

The following offices are elected by direct election unless Branch rules provide for collegiate voting

- Branch President
- Branch Vice President(s)
- Branch Treasurer
- Branch Executive Councillor

This Part includes the option of Team Voting for Branch officers if provided in Branch Rules.

19. ELECTION TIMETABLE – NOMINATIONS AND VOTING

19.1 Election cycle for Branch Offices

- (a) An election shall be conducted every four years for the offices listed below.
- (b) The Branch Secretary shall lodge information required by the Act by 31 March in an election year to commence the election for each of the following offices:
 - (i) Branch Secretary
 - (ii) Branch Assistant Secretary(s)
 - (iii) Delegates to Branch Council
 - (iv) Branch President
 - (v) Branch Vice President(s)
 - (vi) Branch Treasurer - where the Branch rules provide for this office
 - (vii) Executive Councillor(s) -where the Branch rules provide for this office

19.2 Nominations for Branch Offices

Nominations for each of the following offices shall be open for at least 14 days:

- (a) Branch Secretary
- (b) Branch Assistant Secretary(s)
- (c) Delegates to Branch Council
- (d) Branch President
- (e) Branch Vice President(s)
- (f) Branch Treasurer -where the Branch rules provide for this office
- (g) Executive Councillor(s) -where the Branch rules provide for this office

19.3 Election cycle for Federal Secretary

- (a) An election for Federal Secretary shall be conducted every four years.
- (b) The Federal Secretary shall lodge information as required by the Act by 31 March in an election year to commence the election for Federal Secretary

19.4 Nominations for Federal Secretary

Nominations for the office of Federal Secretary will be open for at least 14 days

19.5 Procedure for nominations

- (a) Nominations close at 12 noon on the last day. Nominations received by the returning officer after that time shall not be accepted. If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
- (b) Nominations shall be called in the manner prescribed in these rules.
- (c) Nominations lodged with the returning officer shall be in writing and include the following information:
 - (i) The full name of the nominee.
 - (ii) The form in which the nominee's name is to appear on a ballot paper if different to the name shown above.
 - (iii) The nominee's contact details.
 - (iv) The name and address of each nominator, if required.
 - (v) The office for which the nominee is nominating.
 - (vi) The signed endorsement/consent of the nominee.
 - (vii) The signature of each nominator, and
 - (viii) Any further documentation required by the returning officer.

19.6 Team voting – Above the line voting

This rule will only apply if Branch rules provide for an election for Branch officers by a group of eligible members as a Team.

Rule 6.1(e) does not apply for the purposes of Team Voting;

(a) Team nomination procedure

- (i) Nominations will be called by the Returning Officer in accordance with Rule 20.
- (ii) Each member of a Team must nominate individually for the office they seek under Rule 19.2.
- (iii) A Team must submit a Team proposal. The proposal must be submitted to the returning officer before the close of nominations. A Team proposal may be submitted separately from the nominations of individual Team members.
- (iv) A Team must include a contact person for the Team.

(b) Ticket must be lodged with a Returning Officer

- (i) A Team proposal must be:
 - In writing.
 - Include a Team name.
 - Include a member for each Branch officer position where nominations have been called; and
 - Signed by each Team member.
- (ii) A candidate may not be a member of more than one Team.
- (iii) The name of a Team must not be the same as another Team and/or be deceptive in any way.
 - Where the name of a Team uses the name of one of the members of the Team, the last name of the candidate must be used
 - A Team cannot use as its name the name of any candidate in the election who is not a member of the Team.
 - In determining which Team may use a name (which is not a candidate's name) the Returning Officer will have regard to all relevant factors including the history of use of the name in question.
 - If the name of a Team is the same as another Team, and/or the Returning Officer believes it deceptive, the Returning Officer must approach the Team concerned and require the Team to make such changes as are necessary to remedy the situation. When determining if a name should be considered as deceptive, the Returning Officer must consider all relevant factors including the history of the name in question. The Returning Officer will consider the matters in this Rule. The Returning Officer may refuse to accept a Team proposal where the situation is not remedied or determine an alternate name where necessary.

(c) Ballot Draw

The Returning Officer, after confirming eligibility of nominations, will conduct a random ballot draw for Teams and Ungrouped candidates. The ballot draw will determine the left to right order of Teams. The order of the ballot will include the Teams in the order drawn. Ungrouped candidates will be placed in the last column below the line.

(d) Preference Notification

- (i)** The candidates included in a team for an election may, before the expiration of 48 hours after the ballot draw for the election lodge with the Returning Officer 1 team voting ticket or 2 team voting tickets.
- (ii)** A team voting ticket lodged with the Returning Officer

 - Must indicate by consecutive numbers commencing with the number "1" an order of preference for the number of candidates to be elected.
 - May indicate by consecutive numbers commencing with the next highest number a subsequent order of preference for some or all of the remaining candidates.
 - Must indicate preferences for all candidates in the team lodging the team voting ticket in the order in which the names of those candidates are to appear on the ballot-paper. Candidates from other group voting tickets or ungrouped candidates can only be preferenced after all candidates in the team have been preferenced first.
 - A team voting ticket may be lodged in the form of a sample ballot-paper duly completed with the required order of preferences.
- (iii)** Once team voting tickets have been lodged in accordance with Rule 19.6(d)(i) the Returning Officer will notify candidates of the tickets. Candidates then have 24 hours to confirm whether one or both of their registered tickets will be published.

(e) Withdrawal by one team member

A member of a Team may withdraw their nomination under Rule 23. If a member of a Team withdraws their nomination prior to nominations closing, they can be replaced by another eligible person who is not a member of any other Team, and who consents to becoming a member of the Team. The replacement nomination must be received by the close of nominations.

(f) Ineligibility of a team member

If a candidate is found to be ineligible prior to the close of nominations, then it shall be treated as if the candidate had withdrawn as provided in Rule 19.6(e).

(g) Withdrawal of a ticket

The persons who signed a team voting ticket may (by notice in writing to the Returning Officer) withdraw that ticket before the expiration of 24 hours after the close of nominations for the election.

(h) Non replacement of excluded candidates

If the Excluded Person is not replaced by another person in accordance with 19.6 (e) or (f) and the Team Nomination no longer meets the requirements, the Returning Officer must reject the Team Nomination, and the remaining candidates may continue to run as individual candidates.

(i) Ballot Papers For Teams

Instead of Rule 27, where members have nominated as a team, the following rules apply on the form of the ballot paper.

(j) In printing the ballot-papers each team shall be identified above the line by the word "Team" followed by a successive letter of the English alphabet, starting with the letter "A" then followed by their team name, and if there are more than 26 teams each team after the twenty-sixth shall be identified by such symbol as may be determined by the Returning Officer.

(i) A square shall be printed opposite to each team above the line, a line shall be included between team and individual candidates which will appear below the line, a square shall be printed opposite the name of each candidate.

(ii) Instructions as to the method of voting and the number of candidates for whom votes may be cast shall appear on each ballot paper.

(iii) The Returning Officer shall prepare a list of candidates showing all the team voting tickets registered for an election. The list must be provided to electors with the ballot paper. A list shall be so prepared that -

- Team voting tickets are displayed in vertical columns.
- The tickets are displayed in the columns in the same order as the order on the submitted ballot-papers of the teams concerned.
- Each team voting ticket is identified in the same manner as the team concerned is identified on the ballot papers (and not otherwise).

19.7 Voting

(a) Voting for all elections conducted under these rules shall open on a day determined by the Returning Officer.

(b) The ballot shall close at 10 am on the twenty-eight day after the day that the ballot opened unless otherwise determined by the Returning Officer. Ballot material received by the returning officer after that time shall not be included in the scrutiny.

(c) If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.

(d) In spite of the provisions of **Rule 19**, if the returning officer is unable to commence the nomination period so as to comply with **Rule 19**, the election timetable shall be established by applying the timeframes identified in this **Rule 19** but commencing from the date of the opening of nominations.

20. ELIGIBILITY TO NOMINATE

20.1 Nominations

- (a) Each member's eligibility to participate as a nominee or nominator shall be determined as at the close of nominations.
- (b) Nominations for any of the following offices must meet the requirements of that office in **Rule 20.2, 20.3, 20.4, 20.5, 20.6, 20.7, 20.8, or 20.9.**

20.2 Branch Secretary

Persons eligible to accept nomination for Branch Secretary are:

- (a) All financial members of the Branch;
- (b) General Secretary, Assistant General Secretary and the elected members of the Executive (by whatever name called) of the relevant Associated Body established in the same State as the Branch in which the election is to be held;
- (c) Employees of the Union if the Branch rules so provide; and
- (d) Employees of the relevant Associated Body established in the same state as the Branch in which the election is to be held if the Branch rules so provide.

20.3 Branch Assistant Secretary(s)

Persons eligible to accept nomination for Assistant Branch Secretary(s) are:

- (a) All financial members of the Branch;
- (b) General Secretary, Assistant General Secretary and the elected members of the Executive (by whatever name called) of the relevant Associated Body established in the same State as the Branch in which the election is to be held;
- (c) Employees of the Union if the Branch rules so provide;
- (d) Employees of the relevant Associated Body established in the same state as the Branch in which the election is to be held if the Branch rules so provide.

20.4 Delegates to Branch Council

Persons eligible to accept nomination as Delegate to Branch Council shall be:

- (a) All financial members of the Branch; and
- (b) General Secretary; Assistant General Secretary and the elected members of the Executive (by whatever name called) of a relevant Associated Body established in the same State as the Branch in which the election is to be held.
- (c) Where the Delegates to Branch Council are to be elected from two or more electorates then the only persons eligible to accept nominations for election as a Delegate elected by that electorate shall be financial members in that electorate or those persons in Rule 20.4(b) who would meet the other requirements for inclusion in the electorate if they were financial members.

20.5 Branch President

Where an election of Executive is by direct voting system of the whole financial membership of the Branch the persons eligible to accept nomination shall be:

- (a) All financial members of the Branch; and
- (b) General Secretary; Assistant General Secretary and the elected members of the Executive (by whatever name called) of a relevant Associated Body established in the same State as the Branch in which the election is to be held.

20.6 Branch Vice President(s)

Where an election of Executive is by direct voting system of the whole financial membership of the Branch the persons eligible to accept nomination shall be:

- (a) All financial members of the Branch; and
- (b) General Secretary; Assistant General Secretary and the elected members of the Executive (by whatever name called) of a relevant Associated Body established in the same State as the Branch in which the election is to be held.

20.7 Branch Treasurer

Where an election of Executive is by direct voting system of the whole financial membership of the Branch the persons eligible to accept nomination shall be:

- (a) All financial members of the Branch; and
- (b) General Secretary; Assistant General Secretary and the elected members of the Executive (by whatever name called) of an Associated Body established in the same State as the Branch in which the election is to be held.

20.8 Executive Councillor

Persons eligible to accept nomination shall be:

- (a) Where an election of Executive is by direct voting system of the whole financial membership of the Branch the persons eligible to accept nomination shall be:
 - (i) All financial members of the Branch; and
 - (ii) General Secretary; Assistant General Secretary and the elected members of the Executive (by whatever name called) of a relevant Associated Body established in the same State as the Branch in which the election is to be held.
- (b) Where the Rules of a Branch provide for the election of one or more Executive Councillors to represent a particular class or group of members, the election shall be by secret postal ballot by and from one electorate, consisting of the financial members of the particular class or group of members.

20.9 Federal Secretary

All financial members of the Union who have been a financial member of the Group for at least 12 months at the time nominations open are eligible to accept nomination for Federal Secretary.

20.10 Nominees

A nominee must be nominated as follows.

| Office | Nominators |
|----------------------------|------------------------------|
| Federal Secretary | 2 members of Federal Council |
| Branch Secretary | 2 members of the Branch |
| Branch Assistant Secretary | 2 members of the Branch |
| Branch President | 2 members of the Branch |
| Branch Vice President | 2 members of the Branch |
| Branch Treasurer | 2 members of the Branch |

22. DEFECTIVE NOMINATIONS

| Office | Nominators |
|-----------------------------|-------------------------|
| Delegate to Branch Council | 2 members of the Branch |
| Branch Executive Councillor | 2 members of the Branch |

21. MULTIPLE NOMINATIONS – DIRECT ELECTIONS

21.1 Holding more than one office

- (a) Nothing in this Rule shall prevent an eligible person from simultaneously holding Group and Branch offices.
- (b) No person may hold simultaneously more than one of the following Branch offices:
 - (i) Branch President
 - (ii) Branch Secretary
 - (iii) Branch Assistant Secretary(s)
 - (iv) Branch Vice President(s)
 - (v) Branch Treasurer
 - (vi) Branch Executive Councillor
 - (vii) Delegate to Branch Council

21.2 Nomination for more than one office

- (i) Where in any election a person nominates for more than one office that cannot be held simultaneously, the person may, by 12 noon on the day seven days after the close of nominations, withdraw all necessary nominations so that only one such nomination remains with the returning officer.
- (ii) If after 12 noon on the day seven days after the close of nominations a person has not withdrawn sufficient nominations, the returning officer shall conduct the election in accordance with **Rule 42**.

22. DEFECTIVE NOMINATIONS

22.1 Notification

- (a) Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified.
- (b) Where the returning officer has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination.
- (c) Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.

23. WITHDRAWAL OF NOMINATIONS**23.1 Notification of withdrawal**

- (a) A member nominating for any office may withdraw the nomination by notice in writing to the returning officer at any time before the closing time for the receipt of nominations;
- (b) The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer. Once a nominator has endorsed the nomination of another member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.

24. UNCONTESTED ELECTIONS**24.1 Declaration**

If, after the close of nominations, the number of valid nominations received for an office does not exceed the number of positions to be filled, the returning officer shall declare elected the person or persons nominated.

25. ROLL OF VOTERS**25.1 Supply of listings for the roll of voters**

- (a) The only persons eligible to appear on the roll of voters in a ballot are those persons who, on Close of Roll Day, are financial members of the part of the organisation that the office represents.
- (b) The following offices shall represent and be elected by members of the relevant electorate:

| Office | Electorate |
|---------------------------------|--|
| Federal Secretary | All financial members of the Group |
| Branch Secretary | All financial members of the Branch |
| Branch Assistant Secretary(s) | All financial members of the Branch |
| Branch President | For direct election - All financial members of the Branch |
| Branch Vice President(s) | For direct election - All financial members of the Branch |
| Branch Treasurer | For direct election - All financial members of the Branch |
| Delegates to the Branch Council | All financial members of the Branch or Branch electorate |
| Executive Councillor | All financial members of the Branch or Branch electorate. For direct elections financial members of the particular class or group of members |

- (c) Close of Roll Day shall be 7 days before the day on which nominations for the election open.

27. BALLOT PAPERS

- (d) The returning officer shall request the prescribed officer to supply the name and postal address of every member eligible to vote at an election. The returning officer may also request the prescribed officer to supply additional information which does not form part of the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. The prescribed officer shall comply with such a request.
- (e) The prescribed officer must take all reasonable steps to ensure the listings supplied to the returning officer contain, where practicable, each eligible member's residential or other postal address rather than workplace address.
- (f) Any candidate for election and any member entitled to vote in an election or scrutineer may inspect and obtain a copy of the roll for the purposes of the election only. A copy of the roll may be provided in an electronic form.
- (g) The Returning Officer must not provide voter email addresses to a candidate.

25.2 Absent Voting

- (a) Any member who is entitled to vote at any election held under these rules and who will be absent from their usual address during the period in which the ballot is to be conducted, may apply to the returning officer for ballot material to be sent to another address that the member so nominates.
- (b) Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent.
- (c) Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request.

26. CONTESTED ELECTIONS

26.1 Ballot

If the number of valid nominations received for an office exceeds the number of positions to be filled, the returning officer shall conduct a secret postal ballot of members entitled to vote. The returning officer may include a number of ballots on the same ballot paper.

27. BALLOT PAPERS

27.1 Ballot paper wording

- (a) The following features shall appear on all ballot papers prepared in respect of a secret ballot for an election for office regardless of method by which it is conducted:
 - (i) The name of the organisation.
 - (ii) The initials of the returning officer or other authenticating mark.
 - (iii) The name and number of office/s to be filled.
 - (iv) Instructions for marking the ballot paper.
 - (v) The names of the candidates in the format and order required by these rules.
 - (vi) Instructions for returning the ballot paper.
 - (vii) Name of the returning officer.
 - (viii) Any other instruction considered necessary by the returning officer.
- (b) The returning officer shall arrange for the printing of ballot papers and distribution to members eligible to vote.

29. POSTAL BALLOT

- (c) The ballot papers shall contain the names of the candidates with the surname first followed by the given names. For team voting, the team's name will also be included on the ballot paper beside the candidate. No other candidate information will be printed on the ballot paper.
- (d) The order of names in each ballot on the ballot paper shall be determined by lot drawn by the returning officer.
- (e) The ballot shall be conducted under the proportional representation system in Part 3D of these rules.
- (f) The voting system is set out in **Rule 43** or **Rule 43A** for team voting. For Team voting ungrouped candidates will be placed below the line.
- (g) The ballot paper shall contain instructions for the voter to insert numbers opposite the name or names of the candidates for whom the voter wishes to vote. The voter must vote for the number of candidates to be elected otherwise the ballot paper will be informal.

28. CANDIDATES STATEMENTS

28.1 Statements

- (a) Up to seven days after the close of nominations, a candidate for a Group or Branch office may submit to the returning officer a biography and/or a statement in support of their candidature only, for distribution by the returning officer with ballot material. The statement shall not exceed 200 words.
- (b) A candidate can only submit one statement regardless of the number of positions that they are contesting.
- (c) The returning officer shall reject any statement which, in the opinion of the returning officer,
 - (i) Is false or misleading or may lead to an irregularity;
 - (ii) Which does not strictly comply with these rules; or
 - (iii) Which breaches the law or is defamatory.
- (d) A candidate whose statement is rejected shall be notified and shall be given not more than 2 working days from being notified to supply a replacement statement that complies with this rule.
- (e) The order of publication of candidates' statements shall be the same order as candidates' names on the ballot paper, unless there is more than one ballot in which case the returning officer may print statements in alphabetical order by surname. The returning officer shall also indicate if a candidate has failed to submit a valid statement.

29. POSTAL BALLOT

29.1 Postal facilities for ballot material

The returning officer shall, for the purpose of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to:

- (a) Persons authorised by Australia Post,
- (b) The returning officer, and
- (c) Persons authorised in writing by the returning officer.

29.2 Issue of ballot material

- (a) On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.
- (b) Ballot material shall include:
 - (i) One or more ballot papers showing the time and date of the close of the ballot,
 - (ii) A reply paid envelope addressed to the private box referred to in this rule, being an envelope that may be posted without expense to the voter and is large enough to have placed in it the declaration envelope,
 - (iii) An inner ‘declaration envelope’ as prescribed by the Act, suitable for containing the ballot paper/s.
 - (iv) A copy of each statement submitted by candidates under **Rule 28**.

29.3 Replacement ballot material

- (a) Where a member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, destroyed or spoilt, the member may make an application to the returning officer for the issue of replacement ballot material.
- (b) The application shall
 - (i) Be in writing or verbally.
 - (ii) Set out the applicant’s full name and postal address.
 - (iii) Set out the grounds on which the application is made.
 - (iv) Contain a declaration that the applicant has not voted in the ballot.
 - (v) Be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material.
- (c) If the returning officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

30. SCRUTINY

30.1 During the ballot

During the course of the ballot the returning officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The returning officer shall make a final clearance of returned envelopes so that all envelopes received by the returning officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.

30.2 Preliminary scrutiny of envelopes

- (a) The returning officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The returning officer may commence the preliminary scrutiny prior to the close of the ballot.
- (b) Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:
 - (i) Remove the ‘Declaration Envelope’ from the Reply Paid envelopes, and

31. DECLARATION OF RESULTS

- (ii) Examine the voter's declaration attached to each 'Declaration Envelope', and mark off the voter's name against a copy of the roll of voters.
- (c) A voter's returned ballot material shall be rejected and set aside if:
 - (i) The 'Declaration Envelope' has not been returned, or
 - (ii) The voter has not completed the declaration on the 'Declaration Envelope' to satisfy the returning officer,
 - (iii) The voter is ineligible to vote, or
 - (iv) The returning officer is unable to identify the voter on the roll of voters.
- (d) Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.
- (e) The returning officer shall note on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.

30.3 Scrutiny of ballot papers

- (a) When the returning officer has determined which declaration envelopes are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened and the ballot papers extracted to be counted.
- (b) The returning officer shall reject as informal a ballot paper that:
 - (i) Does not bear the initials or other authenticating mark of the returning officer, and/or
 - (ii) Has upon it any mark or writing by which the voter can be identified,
And/or
 - (iii) Is not marked substantially in accordance with the instructions included on the ballot paper,
And/or
 - (iv) The marking is such that the intention of the voter is not clear,
And/or
 - (v) Is not returned inside the declaration envelope.

Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the returning officer shall decide whether the returned envelope or ballot paper is to be admitted or rejected and endorse the decision on the envelope or ballot paper. The decision of the returning officer is to be final.

31. DECLARATION OF RESULTS

31.1 Notice

- (a) The returning officer shall declare the result of the election within fourteen days of the closing day of the ballot by giving notice of the result in writing to:
 - (i) The Federal Secretary of the organisation at its registered office for elections conducted for the Group;
 - (ii) Each Branch Secretary for elections conducted for their Branch; and
 - (iii) Each candidate.

32. TIMETABLE – NOMINATIONS AND VOTING

- (b) The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:
- (i) The total number of persons on the roll of voters
 - (ii) The total number of ballot papers issued
 - (iii) The total number of envelopes that were returned undelivered by the closing date of the ballot
 - (iv) The total number of ballot papers received by the returning officer
 - (v) The total number of ballot papers rejected as informal

Part 3C—COLLEGIATE ELECTIONS

Guide to this part

A collegiate election is a method of election in which persons are elected to certain offices by and from a body of persons (such as a committee or a council) who were elected at a previous stage by a direct voting system.

- Collegiate elections are held for the following Federal offices:
- Federal President
- Federal Vice President (only if the Branch Secretary is elected as Federal Secretary)
- Branch Representative to Federal Executive
- Federal Council Delegates

Collegiate elections may be held for the following offices if Branch rules provide for them:

- Branch President
- Branch Vice President(s)
- Branch Treasurer
- Branch Executive Councillor

32. TIMETABLE – NOMINATIONS AND VOTING

32.1 Timetable

- (a) The election for offices to be conducted under a collegiate voting system will occur at the first meeting of the relevant body of offices after the direct election of officers that form the electorate for the election.
- (b) Collegiate elections occur in the following order:
- (i) Branch offices where Branch rules provide for them to be elected by collegiate voting system.
 - (ii) Federal Offices after the Federal Secretary election is declared.

- (c) If no meeting is scheduled within a 3 month period, or if the rules otherwise provide, the ballot shall be conducted as a postal ballot, in person, or by electronic means.

32.2 Nominations

- (a) Nominations for all offices shall be called by the returning officer fourteen days prior to the meeting at which the election is to be held or prior to the sending of the postal ballot. If that day falls on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date. Nominations shall close at the meeting in descending order as identified in the order of elections for officers of the Group in this rule or in Branch rules for election of officers of the Branch. If a candidate is successful for an office the candidate is excluded from any subsequent election.
- (b) In spite of the above paragraph, if a postal ballot is to take place, nominations shall close at a date and time to be determined by the returning officer and ballots, if any, shall be conducted, with the necessary changes, as a postal ballot in accordance with the rules which apply to the conduct of a direct election.

32.3 Federal Council Delegates and Branch Representative to Federal Executive

- (a) The election of Federal Council Delegates shall be conducted at the first meeting after the declaration of the office of Federal Secretary or within one month of the declaration.
- (b) The number of Federal Council Delegates is determined in accordance with the formula in **Rule 3.2**:
 - (i) One Federal Council Delegate position will be held by the Branch Secretary.
 - (ii) One Federal Council Delegate position will be held by Branch Representative to the Federal Executive.
 - (iii) The remainder will be elected as Delegates to Federal Council.

32.4 Federal Vice-President election if Branch Secretary is Federal Secretary

Each Branch Secretary will hold the position of Federal Vice-President ex officio. If a Branch Secretary is elected to the position of Federal Secretary then the Federal Vice-President position for that Branch is elected by that Branch Council.

32.5 Seniority of Federal Vice Presidents

- (a) At the first meeting of the Federal Executive after the election of the Federal President, the Federal Executive will determine the order of Vice Presidents seniority.
- (b) The highest ranked Vice President will preside over Federal Executive and Federal Council meetings in the absence of the Federal President.

32.6 Federal President

The election for Federal President shall be conducted as soon as practicable after completion of elections for Federal Council. Nominations shall close on a date at least 14 days, but no more than 28 days after the notification.

32.7 Branch Officers

Branch officers elected by a collegiate election will be elected in the order of elections set out in Branch rules except where **Rule 32.8** applies.

32.8 Branch Executive Councillor

Branch rules may provide for one or more Branch Executive Councillor(s). The election for Branch Executive Councillor shall be conducted so that the result is declared not earlier than 1 May and not later than 30 June. Nominations shall be called at least 14 days prior to the date on which nominations close.

32.9 Voting

- (a) Voting for all collegiate elections shall occur immediately after nominations have closed in the following manner.
 - (i) At the meeting of the relevant electorate, or
 - (ii) By secret postal ballot, or
 - (iii) By electronic means.
- (b) Ballots shall be conducted so that the ballot for the office highest in the hierarchical order shall be completed first before the ballot for the next highest office is conducted. The returning officer shall conduct each ballot in sequence in descending order as identified in these rules. Once a candidate is successful in a ballot the candidate is excluded from any subsequent ballots.

32.10 Electronic balloting system

The Returning Officer may utilise an electronic balloting system as an alternative to the paper balloting system. The Returning Officer must ensure that the electronic balloting system utilised provides:

- (a) For the security and secrecy of an election ballot to the same extent that these rules provide; and
- (b) Each financial member entitled to vote in an election under these rules is given the opportunity to vote.

33. ELIGIBILITY TO NOMINATE

33.1 Nominations

- (a) Each member's eligibility to participate as a nominee or nominator shall be determined as at the date that the meeting is held.
- (b) A candidate for any office must be a member of the relevant electorate.

33.2 Branch Delegates to Federal Council

Persons eligible to accept nomination for Branch Delegate to Federal Council are members of the Branch Council.

33.3 Branch Representative on Federal Executive

Persons eligible to accept nomination for Branch Representative to Federal Executive are Delegates to Branch Council from the Branch concerned.

33.4 Federal Vice President

- (a) The Branch Secretary will hold this office ex officio.
- (b) If the Branch Secretary is Federal Secretary persons eligible to accept nomination for Federal Vice President are Federal Council Delegates from the Branch concerned.

33.5 Federal President

Persons eligible to accept nomination for Federal President are Federal Executive Members.

33.6 Branch President

Where the Rules of a Branch provide for collegiate election of Branch President, the persons eligible to accept nominations are members of the Branch Council.

33.7 Branch Vice President(s)

Where the Rules of a Branch provide for collegiate election of Branch Vice President(s), the persons eligible to accept nominations are members of the Branch Council.

33.8 Branch Treasurer

Where the Rules of a Branch provide for collegiate election of Branch Treasurer, the persons eligible to accept nominations are members of the Branch Council.

33.9 Branch Executive Councillor

Where the Rules of a Branch provide for collegiate election of one or more Executive Councillors to represent a particular class or group of members, the election shall be by ballot by and from one electorate, consisting of the financial members of the particular class or group of members.

33.10 A nominee must be nominated by the number of nominators in the following table. A nominator for any office must be a member of the relevant electorate.

| Office | Nominees |
|--|--|
| Federal Council Delegates | 2 members of Branch Council |
| Federal Vice-President | 1 member of Branch Council from the Branch if an election required |
| Branch Representative to Federal Executive | 1 member of Branch Council from the Branch |
| Federal President | 2 members of Federal Council |
| Branch President | 2 members of Branch Council |
| Branch Vice President | 2 members of Branch Council |
| Branch Treasurer | 2 members of Branch Council |
| Branch Executive Councillor | 2 members of Branch Council |

34. MULTIPLE NOMINATIONS – COLLEGIATE ELECTIONS**34.1 Holding more than one office**

- (a) Nothing in this Rule shall prevent an eligible person from simultaneously holding Group and Branch offices.
- (b) No person may hold simultaneously more than one of the following Branch offices:
 - (i) Branch President
 - (ii) Branch Secretary

36. WITHDRAWAL OF NOMINATIONS

- (iii) Branch Assistant Secretary(s)
- (iv) Branch Vice President(s)
- (v) Branch Treasurer
- (c) No person may hold simultaneously more than one of the following Federal offices:
 - (i) Federal Secretary
 - (ii) Federal Vice President
 - (iii) Branch Representative to Federal Executive
 - (iv) Delegate to Federal Council other than persons elected as Federal Vice President and Branch Representative to Federal Executive.

34.2 Nomination for more than one office

- (a) Where in any election a person nominates for more than one office that cannot be held simultaneously, the person may, by 12 noon on the day seven days after the close of nominations, withdraw all necessary nominations so that only one such nomination remains with the returning officer.
- (b) If after 12 noon on the day seven days after the close of nominations a person has not withdrawn sufficient nominations, the returning officer shall conduct the election in accordance with **Rule 42**.

35. DEFECTIVE NOMINATIONS

35.1 Notification

- (a) 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, where practicable, not less than 7 days after the person is notified.
- (b) Where the returning officer has notified a person of a defective nomination, and where that person has corrected the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination.
- (c) Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.

36. WITHDRAWAL OF NOMINATIONS

36.1 Notification of withdrawal

- (a) A member nominating for any office may withdraw the nomination by notice in writing to the returning officer up to, but not later than a time determined by the returning officer for the commencement of the printing of ballot papers.
- (b) The notification referred to above must include a signed endorsement by the nominee and be in a form acceptable to the returning officer.
- (c) Once a nominator has endorsed the nomination of another member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.

37. ROLL OF VOTERS**37.1 Roll of Voters**

- (a) A person is eligible to vote in a ballot if, on the date of the meeting, they are a member of the relevant electorate identified in this rule.
- (b) Offices shall be elected by members of the electorates in the following table.

| Office | Electorate |
|--|--|
| Branch President | Members of the Branch Council |
| Branch Vice President | Members of the Branch Council |
| Branch Treasurer | Members of the Branch Council |
| Branch Executive Councillor | Members of the Branch Council |
| Federal Council Delegates | Members of the Branch Council |
| Federal Vice-President | Ex-officio Branch Secretary. Members of Branch Council from a Branch if an election required |
| Branch Representative to Federal Executive | Members of Branch Council |
| Federal President | Federal Council |

- (c) The returning officer shall request the prescribed officer to supply the name and postal address of every member eligible to vote at an election. The returning officer may also request the prescribed officer to supply additional information which does not form the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. The prescribed officer shall comply with such request.
- (d) Any candidate for election and any member entitled to vote in an election may inspect and obtain a copy of the roll for the purposes of the election only. A copy of the roll may be provided in an electronic form.
- (e) The Returning Officer must not provide voter email addresses to a candidate.

37.2 Voting

Voting shall be conducted at the first meeting of the relevant electorate after the date on which nominations were called. If no meeting is scheduled within a 3 month period, or if the rules otherwise provide, the ballot shall be conducted as a postal ballot or by electronic means.

37.3 Absent voting

A member entitled to vote in a collegiate election and who will be unable to attend the meeting at which an election is to be held may vote by way of an absent vote.

- (a) Any member who is entitled to vote at any election held under these rules and who will be unable to attend the meeting at which the election is to be conducted, may

39. BALLOT PAPERS

apply to the returning officer for ballot material to be sent to an address that the member so nominates.

- (b) Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent.
- (c) Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request. To provide the absent voters with a reasonable opportunity to return the ballot the returning officer shall not count the ballot until ten days from the date of posting of the ballot paper/s. If all the ballot papers are returned before the expiration of the ten day period the returning officer may count the ballot immediately.

38. CONTESTED ELECTIONS

38.1 Ballot

If the number of valid nominations received for an office exceeds the number of positions to be filled, the returning officer shall conduct a secret ballot at the meeting of members entitled to vote. Ballots shall be conducted sequentially in the order provided for in these rules. Once a ballot is completed and the result determined the ballot for the next highest office shall commence.

38.2 Ballot by means other than in person or postal

- (a) Should a Returning Officer approve an election by means other than by an in person or postal ballot, the form of the ballot and process of scrutiny of ballots prescribed by these rules will be varied with the necessary modifications
- (b) Rule 15.4 will apply to any electronic system.
- (c) The Returning Officer must not provide voter email addresses to a candidate.

39. BALLOT PAPERS

39.1 Ballot paper wording

- (a) The following features shall appear on all ballot papers prepared in respect of a secret ballot for an election for office:
 - (i) the name of the organisation
 - (ii) the initials of the returning officer or other authenticating mark
 - (iii) the name and number of the office/s to be elected
 - (iv) instructions for marking the ballot paper
 - (v) the names of the candidates in the order required by the rules
 - (vi) instructions for returning the ballot paper
 - (vii) name and location of the returning officer
 - (viii) any other instruction considered necessary by the returning officer.
- (b) The ballot papers shall contain the names of the candidates with the last name first followed by the given names. No other candidate information will be printed on the ballot paper.
- (c) The order of names in each ballot on the ballot paper shall be determined by lot drawn by the returning officer.

42. ORDER OF DECLARATION OF ELECTIONS

- (d) The ballot shall be conducted under the proportional representation system in Part 3D of these rules.
- (e) The voting system is set out in **Rule 43**.
- (f) The ballot paper shall contain instructions for the voter to insert numbers opposite the name or names of the candidates for whom the voter wishes to vote. The voter must vote for the number of candidates to be elected otherwise the ballot paper will be informal.

40. SCRUTINY

40.1 Scrutiny of ballot papers

- (a) Subject to **Rule 37.3(c)** immediately after the close of the ballot the returning officer shall conduct the count of the votes.
- (b) The returning officer shall reject as informal a ballot paper that:
 - (i) does not bear the initials or other authenticating mark of the returning officer, and/or
 - (ii) has upon it any mark or writing by which the voter can be identified, and/or
 - (iii) is not marked substantially in accordance with the instructions included on the ballot paper, and/or
 - (iv) the marking is such that the intention of the voter is not clear.
- (c) Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a ballot paper being accepted or rejected, the returning officer shall decide whether the ballot paper is to be admitted or rejected and endorse the decision on the ballot paper.

41. DECLARATION OF RESULTS

41.1 Notice

- (a) The returning officer shall declare the result of the election by giving notice of the result in writing to the relevant officer of the organisation at its registered office.
- (b) The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:
 - (i) the total number of persons on the roll of voters
 - (ii) the total number of ballot papers issued
 - (iii) the total number of envelopes that were returned undelivered by the closing date of the ballot (if applicable)
 - (iv) the total number of ballot papers received by the returning officer
 - (v) the total number of ballot papers rejected as informal.

Part 3D—VOTING AND APPOINTMENT SYSTEMS

42. ORDER OF DECLARATION OF ELECTIONS

42.1 Branch elections

The Returning Officer must conduct Branch elections to ensure that no person holds more than one office as set out in **Rules 21 and 34**.

43. PROPORTIONAL REPRESENTATION SYSTEM

- (a) A direct election will be declared in the following order:
 - (i) Branch Secretary
 - (ii) Branch Assistant Secretary(s)
 - (iii) Branch President
 - (iv) Branch Vice President(s)
 - (v) Branch Treasurer
 - (vi) Branch Executive Councillor
 - (vii) Delegate to Branch Council
- (b) A collegiate Branch election will be declared in the following order:
 - (i) Branch President
 - (ii) Branch Vice President(s)
 - (iii) Branch Treasurer

42.2 Once a person has been declared holding a higher office then that persons preferences for the lower office shall be allocated to the continuing candidates in accordance with **Rule 43.3** with the necessary modifications as if they had been eliminated.

42.3 Federal officer elections

The Returning Officer must conduct the collegiate election for Federal Council to ensure that no person holds more than one office as set out in **Rule 34**.

- (a) The collegiate election for Federal Council Delegates will be declared in the following order:
 - (i) Branch Federal Vice-President if required
 - (ii) Branch Representative to Federal Executive
 - (iii) Federal Council Delegates
- (b) Once a person has been declared holding a higher office then that person's preferences for the lower office shall be allocated to the continuing candidates in accordance with Rule 43.3 with the necessary modifications as if they had been eliminated.

43. PROPORTIONAL REPRESENTATION SYSTEM

In any election conducted in accordance with this Rule the following provisions shall apply:

- 43.1** A voter shall record their vote for at least the number of candidates to be elected by placing the number "1" and if necessary the numbers "2", "3", "4" and so on consecutively in the squares opposite the names of the candidates in the order of the voter's preference for them.
 - (a) A voter may, if the voter so desires, vote for additional candidates by placing further consecutive numbers in the squares opposite their names in the order of the voter's preferences.
- 43.2** At the close of the poll the Returning Officer shall ascertain the total number of first preference votes recorded for each candidate on all ballot papers not rejected by the Returning Officer as informal and the total of all such votes.
 - (a) The Returning Officer shall then determine a quota by dividing the total number of first preference votes for all candidates by the number equal to the number of

positions to be filled plus one and by increasing the quotient so obtained (disregarding any remainder) by one.

- (b) The Returning Officer shall declare elected any candidate who has received a number of first preference votes equal to or greater than the quota so determined.

43.3 Unless all vacancies have been filled, the surplus votes above the quota of each elected candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:

- (a) The Returning Officer shall ascertain in respect of each continuing candidate, the total number of ballot papers of the elected candidate which bear the next available preference for that continuing candidate.
- (b) The Returning Officer shall divide the number of elected candidate's surplus votes by the number of first preference votes (excluding any first preference votes indicated on ballot papers which do not bear a next available preference for a continuing candidate) received by the Returning Officer and the resulting fraction shall, for the purposes of this clause, be the transfer value of that candidate's surplus votes.
- (c) The Returning Officer shall, by multiplying that total by the transfer value of the elected candidate's surplus votes, determine the number of votes to be transferred from the elected candidate to each continuing candidate.
- (d) If, as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of elected candidate's surplus votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored.

43.4 If, as a result of the transfer of the surplus votes of a candidate elected at any stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.

- (a) Unless all the vacancies have been filled, the surplus votes of the elected candidates shall be transferred to the continuing candidates in accordance with the provisions of **Rule 43.3** but, in the application of those provisions, only those ballot papers which have been transferred to the elected candidates from the candidate or candidates elected at the last preceding count shall be taken into consideration.

43.5 If, after the transfer of the surplus votes of the elected candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and the whole of that candidate's ballot papers shall be transferred to the continuing candidates next in order of the voters' available preferences.

- (a) Any votes received by an excluded candidate by transfer of a surplus shall be transferred at their transfer value which they were transferred to that candidate.
- (b) If thereupon, or as a result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.
- (c) If no continuing candidate has then received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and the transferring of ballot papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal to the quota, or in respect of the last vacancy, a majority of the votes remaining in the count, but the process of excluding candidates shall not be repeated after the number of continuing candidates is equal to the number of unfilled vacancies.

43. PROPORTIONAL REPRESENTATION SYSTEM

- (d) A ballot paper that under this clause is, pursuant to the exclusion of a candidate, required to be transferred to a continuing candidate shall be set aside as finally dealt with if it does not indicate a next available preference for a continuing candidate.
- 43.6** After all the candidates who have received a number of votes equal to the quota are elected-
- (a) Where there is one remaining vacancy - the candidate who has received a majority of the votes remaining in the count; or
- (b) Where the number of continuing candidates is equal to the number of remaining unfilled vacancies - those candidates shall be elected.
- 43.7** Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, any transfer of the surplus votes of those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on.
- (a) In the case of surpluses of equal size the Returning Officer shall determine by lot which shall be first distributed.
- 43.8** Notwithstanding anything contained in this Rule, a transfer of the surplus votes of an elected candidate shall be deferred (but without affecting the order of that transfer) so long as the total number of those surplus votes and any other surplus votes not transferred is less than the difference between the total votes of the two continuing candidates with the fewest votes.
- (a) In any such case, unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot papers containing that candidate's votes shall be transferred to the continuing candidates as provided in **Rule 43.3**.
- 43.9** Where, on any count at which the candidate with the fewest number of votes has to be excluded, two or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates)-
- (a) Such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes shall be excluded; or
- (b) If they had an equal number of votes at all preceding counts, the Returning Officer shall determine by lot which candidate shall be excluded.
- If after such exclusion there is only one continuing candidate the Returning Officer shall declare that candidate elected.
- 43.10** A ballot paper on which the voter has recorded the required minimum number of votes shall not be treated as informal by reason only that:
- (a) The same preference (other than the voter's first preference) has been recorded on the ballot paper for more than one candidate, but the ballot paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot paper, or
- (b) There is a break in the order of the voter's preferences, but the ballot paper shall be treated as if any subsequent preferences had not been recorded on the ballot paper.
- 43.11** A reference in this Rule to an exhausted ballot paper is a reference to a ballot paper on which there is not recorded a vote for a continuing candidate.

43A. PREFERENTIAL VOTING AND PROPORTIONAL REPRESENTATION FOR TEAM VOTING - ABOVE THE LINE TEAM VOTING

In any election conducted under Team voting, the following provisions shall apply:

- 43A.1** A voter shall record their vote by placing the number "1" and if they so wish the numbers "2", "3", "4" and so on consecutively in the squares opposite the names of the candidates/ or teams in the order of the voter's preference for them.
- (a) A voter may, if the voter so desires, vote for additional candidates by placing further consecutive numbers in the squares opposite their names in the order of their preferences.
 - (b) If a voter records a vote on a ballot-paper by placing the number "1" in one of the team voting ticket squares, the ballot-paper shall be deemed to have recorded on it a vote in accordance with the relevant team voting ticket registered for the election.
 - (c) A vote is informal if the boxes above and below the line are completed, except for the ungrouped column which can be completed alongside clear preferences above the line for team columns.
- 43A.2** At the close of the poll the Returning Officer shall ascertain the total number of first preference votes recorded for each candidate/team on all ballot papers not rejected by the Returning Officer as informal and the total of all such votes.
- (a) The Returning Officer shall then determine a quota by dividing the total number of first preference votes for all candidates by the number equal to the number of positions to be filled plus one and by increasing the quotient so obtained (disregarding any remainder) by one.
 - (b) The Returning Officer shall declare elected any candidate who has received a number of first preference votes equal to or greater than the quota so determined.
- 43A.3** Unless all vacancies have been filled, the surplus votes above the quota of each elected candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:
- (a) The Returning Officer shall ascertain in respect of each continuing candidate, the total number of ballot papers of the elected candidate which bear the next available preference for that continuing candidate.
 - (b) The Returning Officer shall divide the number of the elected candidate's surplus votes by the number of first preference votes (excluding any first preference votes indicated on ballot papers which do not bear a next available preference for a continuing candidate) received by the elected candidate and the resulting fraction shall, for the purposes of this clause, be the transfer value of that candidate's surplus votes.
 - (c) The Returning Officer shall, by multiplying that total by the transfer value of the elected candidate's surplus votes, determine the number of votes to be transferred from the elected candidate to each continuing candidate.
 - (d) For team voting above the line, these votes will be treated as though the voter had filled out the preferences as indicated by the team ticket submitted to the returning officer

43A. PREFERENTIAL VOTING AND PROPORTIONAL REPRESENTATION FOR TEAM VOTING - ABOVE THE LINE TEAM VOTING

- (e) If, as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of elected candidate's surplus votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored.

43A.4 If, as a result of the transfer of the surplus votes of a candidate elected at any stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.

- (a) Unless all the vacancies have been filled, the surplus votes of the elected candidates shall be transferred to the continuing candidates in accordance with the provisions of Rule 43A.3 but, in the application of those provisions, only those ballot papers which have been transferred to the elected candidates from the candidate or candidates elected at the last preceding count shall be taken into consideration.

43A.5 If, after the transfer of the surplus votes of the elected candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and the whole of that candidate's ballot papers shall be transferred to the continuing candidates next in order of the voters' available preferences.

- (a) Any votes received by an excluded candidate by transfer of a surplus shall be transferred at their transfer value which they were transferred to that candidate.
- (b) If thereupon, or as a result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.
- (c) If no continuing candidate has then received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and the transferring of ballot papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal to the quota, or in respect of the last vacancy, a majority of the votes remaining in the count, but the process of excluding candidates shall not be repeated after the number of continuing candidates is equal to the number of unfilled vacancies.
- (d) A ballot paper that under this clause is, pursuant to the exclusion of a candidate, required to be transferred to a continuing candidate shall be set aside as finally dealt with if it does not indicate a next available preference for a continuing candidate.

43A.6 After all the candidates who have received a number of votes equal to the quota are elected-

- (a) where there is one remaining vacancy - the candidate who has received a majority of the votes remaining in the count; or
- (b) where the number of continuing candidates is equal to the number of remaining unfilled vacancies - those candidates,

shall be elected.

43A.7 Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, any transfer of the surplus votes of

44. CASUAL VACANCIES

those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on.

- (a) In the case of surpluses of equal size the Returning Officer shall determine by lot which shall be first distributed.

43A.8 Notwithstanding anything contained in this Rule, a transfer of the surplus votes of an elected candidate shall be deferred (but without affecting the order of that transfer) so long as the total number of those surplus votes and any other surplus votes not transferred is less than the difference between the total votes of the two continuing candidates with the fewest votes.

- (a) In any such case, unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot papers containing that candidate's votes shall be transferred to the continuing candidates as provided in clause 5.

43A.9 Where, on any count at which the candidate with the fewest number of votes has to be excluded, two or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates) -

- (a) such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes shall be excluded; or
- (b) if they had an equal number of votes at all preceding counts, the Returning Officer shall determine by lot which candidate shall be excluded.
- (c) If after such exclusion there is only one continuing candidate the Returning Officer shall declare that candidate elected.

43A.10 A ballot paper on which the voter has recorded a first preference shall not be treated as informal by reason only that:

- (a) the same preference (other than the voter's first preference) has been recorded on the ballot paper for more than one candidate, but the ballot paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot paper, or
- (b) there is a break in the order of the voter's preferences, but the ballot paper shall be treated as if any subsequent preferences had not been recorded on the ballot paper.
- (c) If a voter has recorded a tick or cross in the square opposite the name of a candidate and has not so recorded the number "1" then the vote shall not be treated as informal for that reason and the tick or cross shall be taken to be the number "1".

43A.11 A reference in this Rule to an exhausted ballot paper is a reference to a ballot paper on which there is not recorded a vote for a continuing candidate.

44. CASUAL VACANCIES

44.1 In the event of a casual or extraordinary vacancy arising in the following offices the Branch concerned may elect or appoint another person to fill the casual vacancy:

- (a) Delegate to Branch Council,
- (b) Branch Officer,

46. FEDERAL FUND

- (c) Federal Council Delegate or
 - (d) Branch Representative on the Federal Executive.
- 44.2** Where the unexpired period of office is three years or less in the case of an office elected four yearly the casual vacancy may be filled by appointment by the Branch Council of a person who would be eligible for election to the office.
- 44.3** In other cases an election shall be conducted using so far as may be practicable the same mode of election as is prescribed by these rules for election to that office. Any person so elected or appointed shall hold office for the unexpired portion of the term of the person he or she is elected or appointed to replace.
- 44.4** Where a casual vacancy is to be filled by election, the Branch Council may appoint a member attached to the Branch or Sub-branch, from where the vacancy arose to act in the vacant position pending the election of a person to fill the vacant position.
- (a) The member appointed under this sub-rule shall cease to act when the position is filled.
 - (b) The election shall be held within six months of the vacancy. The member then elected to hold office for the unexpired portion of the term attached to that office.
- 44.5** In the event of any casual or extraordinary vacancy occurring in any office of Federal Officer the provisions of **Rule 44.1, 44.2, 44.3, and 44.4** shall apply save that the functions assigned to the Branch Council in those sub-rules shall be performed by the Federal Council.

Part 4—FINANCIAL

45. FINANCIAL DISCLOSURE AND TRAINING OBLIGATIONS FOR THE GROUP AND ITS BRANCHES

- 45.1** Group and Branch officers are subject to the financial disclosure, policy, and training obligations in the Fair Work (Registered Organisations) Act.
- 45.2** Group and Branch officers will comply with these requirements.
- (a) **Office** has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.
 - (b) **Officer** has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- 45.3** In addition to the disclosure obligations imposed by the Act, and without limiting those obligations in any way:
- (a) The disclosure obligations are also obligations owed by officers under these rules.
 - (b) Where the disclosure obligations impose on an officer of the Group an obligation to disclose a matter to the Group, the Federal Secretary must keep a written record of the disclosure.
 - (c) Where the disclosure obligations impose on an officer of a Branch an obligation to disclose a matter to the Branch, the Branch Secretary must keep a written record of the disclosure, and shall forward to the Federal Secretary a written record of the disclosure.
- 45.4** The written record forwarded to the Federal Secretary shall be made within one month of the disclosure to the Branch, or immediately if requested by the Federal Secretary.

46. FEDERAL FUND

- 46.1** There shall be a fund to be known as the Federal Fund which shall consist of -

47. EXPENDITURE OF SPSF GROUP FUNDS

- (a) Any real or personal property of which the committee of management of the Group 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) Capitation fees paid by a Branch.
- (c) The national union subscription paid by each member
- (d) Levies paid by a Branch.
- (e) Any interest, rents, dividends or other income derived from the investment or use of the Fund.
- (f) Any superannuation or long service leave or other funds operated or controlled in accordance with rules relating to the Group as a whole for the benefit of its officers or employees.
- (g) Any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated in accordance with rules relating to the organisation as a whole for the benefit of its members.
- (h) Any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund, and
- (i) The proceeds of any disposal of parts of the Fund.
- (j) any and all intellectual property of the SPSF Group, which includes any contractual rights which may exist in relation to any innovation or work, and all statutory and other proprietary rights (including rights to require information be kept confidential) in respect of inventions, patents, trade marks, designs, copyright, know-how, trade secrets, and all other rights with respect to intellectual property including all rights to apply for the same and, for the avoidance of doubt, including copyright in works and sound recordings and broadcasts vesting by virtue of the *Copyright Act 1968* (Cth.);

47. EXPENDITURE OF SPSF GROUP FUNDS

- 47.1** The Federal Fund may only be expended to further the Union's Objects.
- 47.2** Disbursements in regard to expenditure of the Federal Funds may be made against the authority of a resolution of the Federal Council or Federal Executive, or upon the recommendation of the Federal Secretary and the approval of a Federal Officer authorised for that purpose with a copy of any such approval to be provided to the Federal Secretary for inclusion in the statement of receipts and expenditure for the period in which it occurred.
- 47.3** Expenditure on the general administration of the Group does not require the prior authority of Federal Council or Federal Executive.
- 47.4** Payment of all accounts for expenditure authorised in accordance with **Rule 47.2 and 47.3** shall be made from such account as the Federal Council or the Federal Executive may from time to time direct:
- (a) by cheque signed by two persons, at least one of whom is a Federal Officer or an officer of the SPSF Group delegated by the Federal Executive to sign cheques, and the other signatory may be an employee authorised by the Federal Executive, to sign cheques; or
 - (b) by a system of funds transfer approved by the Federal Executive.

48. BRANCH FUND

- 48.1** Each Branch shall have a fund known as the Branch Fund and which shall be managed and controlled in accordance with rules of that Branch.
- 48.2** A Branch Fund shall consist of -
- (a) Any real or personal property of which the Branch of the Group 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) The amounts of entrance fees, subscriptions, fines, levies and other fees received by a Branch, less so much of these amounts as is payable by the Branch to the Federal Fund;
 - (c) Any interest, rents or dividends derived from the investment or use of the Fund;
 - (d) Any superannuation or long service leave fund operated or controlled by the Branch for the benefit of its officers or employees;
 - (e) Any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Branch for the benefit of its members;
 - (f) Any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund; and
 - (g) The proceeds of any disposal of parts of the Fund.
- 48.3** Rules relating to a Branch Fund shall not be altered except with the consent of the Branch concerned.

49. LOANS, GRANTS AND DONATIONS BY THE GROUP OR BY ANY BRANCH

- 49.1** A loan, grant or donation of an amount exceeding \$1,000 must not be made by the Group or a Branch committee of management unless -
- (a) The making of the loan, grant or donation would be in accordance with the rules of the Union or of the Branch; and
 - (b) For a loan, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory

50. STATEMENT OF ACCOUNTS

- 50.1** The SPSF Group shall prepare and present statements of account in accordance with the provisions of *Fair Work (Registered Organisations) Act 2009*. Terms used in this rule shall have the same meaning as the term is used in the Act.
- 50.2** The Federal Council may determine that a concise report for the financial year be provided free of charge to each member.
- 50.3** Subject to **Rule 50.4**, the full report for a financial year will be presented to the Federal Council or the Federal Executive acting as Committee of Management.
- 50.4** At the conclusion of each financial year, where 5% of the members of the SPSF Group call for a general meeting to receive the full report, the full report will be presented to a general meeting. Such a general meeting shall be dealt with in accordance with this sub-rule.
- (a) The petition will state “We the undersigned SPSF Group members call for a general meeting of members to receive the full financial report for the last ending financial year”.

51. ENTRY FEES, SUBSCRIPTIONS, LEVIES AND OTHER FEES

- (b) The petition will be addressed to the Federal Secretary, and must be signed and dated by each signatory, and must also include the Branch and the membership number of each signatory.
- (c) The general meeting will be held in Sydney. The Federal Secretary shall advise all members of the time and place by notice published on the SPSF Group website and State Branch bulletins.
- (d) There will be no quorum for the general meeting.

50.5 If the General Manager has issued a certificate stating that the Reporting Units shall be other than the SPSF Group Federal Office, then:

- (a) references in this rule to the Federal Council shall be taken to be references to the management committee of the respective Reporting Units;
- (b) references in this rule to the Federal Secretary shall be taken to be references to the Secretary of the respective Reporting Units;
- (c) references in this rule to members of the SPSF Group shall be taken to be references to the members of the respective Reporting Units; and
- (d) in all respects the terms of this **Rule 50** shall be applied to those Reporting Units.

51. ENTRY FEES, SUBSCRIPTIONS, LEVIES AND OTHER FEES

51.1 Payment

- (a) A member shall pay all subscriptions in advance to the Branch Secretary of the Branch to which the member belongs
 - (i) The national subscription set by Federal Council, or
 - (ii) The subscription set by Branch Council, and
 - (iii) Entrance fees, levies, and other fees set by Federal Council or Branch Council
- (b) Payments may be paid:
 - (i) At the office of the Branch.
 - (ii) To a collector authorised by the Branch Secretary.
 - (iii) By cash, cheque or electronic payment.
 - (iv) By payroll deduction from an employer
 - (v) By direct debit from a financial institution.
 - (vi) By credit card.
 - (vii) Other means authorised by Federal Council or Branch Council.

51.2 Levies

Levies shall be payable within one month of the imposition of the levy or such longer period as may be determined by the Council imposing the levy.

51.3 Associated Body

A member may pay their subscription, entrance fee, levy or other fee to an Associated Body via the payment options in Rule 51.1. where there is an agreement between the Union and Associated Body providing for the payment by the Associated Body to the Union from the monies received.

51.4 State of Queensland

Subscriptions, entrance fees, levies and other fees of a member from the State of Queensland who has applied directly for membership to the Federal Council or Federal Executive through the provisions of Rule 54.12 of Chapter C shall be paid directly to the Group

52. NATIONAL SUBSCRIPTIONS, CAPITATION DUES AND LEVIES

52.1 Payment

- (a) A Branch will remit to the Federal Secretary.
 - (i) The national union subscription as determined by Federal Council;
 - (ii) Capitation dues as determined by Federal Council
- (b) Where national subscriptions, capitation dues or levies are based on the number of members in a Branch, the relevant number of financial members will be the number of financial members in a Branch at the first day of the month in which the payment is due.
- (c) The Federal Secretary will request Branch financial member numbers at the beginning of each month to enable an account to be generated.
- (d) A Branch must pay the fee within 30 days of receiving an invoice from the Federal Secretary.
- (e) Federal Council may approve variations to the dates by which payments are to be made for the purpose of giving effect to the terms of any legally binding agreement between the Union and an Associated Body in respect to the payment of capitation dues or national union subscriptions.

52.2 Levies

Any levy imposed by Federal Council or Federal Executive shall be expressed as an amount per member. Payment shall be paid by the Branches within three months of the decision being communicated to them.

53. AUDIT OF FEDERAL AND BRANCH FUNDS

- 53.1** For the purpose of this rule approved auditor means a person qualified to exercise the duties of Auditor in accordance with the requirements of the Act.
- 53.2** The Federal Fund and each Branch Fund and any other account maintained by the Group or a Branch shall be audited at least once a year by an approved auditor.
- 53.3** The Group and each Branch shall appoint an approved auditor as its auditor at least every two years and shall make provision for that auditor to have full and complete access to all its books and documents.

Part 5—ADMINISTRATION**54. APPLICATIONS FOR MEMBERSHIP**

- 54.1** A candidate for membership shall make application to the Branch (or Branches) established in the State in which the candidate's employer is located.
- (a) The application shall be made in the manner and subject to any conditions specified by the rules of the relevant Branch.
 - (b) The Branch shall have power to accept or reject any such application subject to the provisions of the Act and Chapter A of these rules.
 - (c) The Branch may accept an Application Form received by internet and the applicant for membership will be held to have signed the Application Form if the requirements of the Electronic Transactions Act 1999 (Cth) are met.
- 54.2** Where there is no Branch established in the State where the candidate's employer is located a candidate for membership shall make application to Federal Council or Federal Executive which has the power to accept or reject any such application, subject to the provisions of the Act.
- 54.3** Candidates shall supply such information as to their name address classification salary and eligibility for membership as may be required by the Branch or by Federal Council or Federal Executive. If requested they shall complete and sign an application form for the Group's records.
- 54.4** Branches shall observe such directions as to the use of application forms and the compiling and maintaining of a full and accurate register of the membership of each Branch as Federal Council or Federal Executive may from time to time direct.
- 54.5** A person's application for or admission to membership shall not be invalidated due to error, omission or want of form. Every person shall be deemed to be a member who has been acknowledged to be a member by the Group or by a Branch and who has previously made application for membership or otherwise acknowledged membership. Provided that:
- (a) Federal Executive may remove from the register the name of any person who has gained admission as the result of any irregularity.
 - (b) Any person removed shall have a right of appeal to Federal Council.
- 54.6** A Branch may refer an application for membership to the Federal Executive for decision.
- 54.7** An applicant may appeal to the Federal Executive where:
- (a) an application for membership has not been dealt with or accepted within three months from the date the application was received; or
 - (b) where an application is rejected.
- 54.8** The applicant may appeal to Federal Council where an application has not been dealt with or accepted within three months from the date the application was received by Federal Executive. The decision of the Federal Council shall be final.
- 54.9** Every member shall be deemed to be attached to a Branch of the Group established in the State where the member's employer is located.
- (a) Where there is not a Branch established in the State where the member's employer is located the member may be attached to such Branch as the Federal Council or Federal Executive may direct.

- 54.10** A member shall be deemed to have become a member of the Union from:
- (a) The date of admission as provided in the rules of the Branch to which the member is admitted in accordance with **Rules 54.1, 54.2, and 54.9**; or
 - (b) In cases where no provision as to date of admission is made in the rules of such Branch the date of receipt of the member's application at the office of the Branch to which the member is admitted in accordance with **Rules 54.1, 54.2, and 54.9**.
 - (c) In cases where an application is dealt with under **Rule 54.6, 54.7, and 54.8** an applicant shall not be or be deemed to be a member of the Union unless a decision favourable to the application is made by Federal Executive or Federal Council. If a decision favourable to the application is made the applicant's membership shall commence from the date the application was first received.
- 54.11** The Branch to which an application for membership is made shall inform each applicant 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 organisation.
- 54.12 Admission to Membership – Direct Application from Queensland**
- (a) Notwithstanding any other provisions of these rules or those of any Branch or of any Associated Body, a candidate eligible for membership in the State of Queensland may make an application to the Federal Council or the Federal Executive, which, subject to the provisions of the Act, shall have the power to accept or reject such applications.
 - (b) Candidates shall supply such information as required by Federal Council or Federal Executive including, but not limited to, their name, address, employer, classification and salary, and shall sign an application form for the Group's records.
 - (c) The Federal Secretary shall maintain a membership register of all members enrolled in this manner.
 - (d) The membership fees, including any subscriptions and levies, for a member enrolled in this manner shall be set by Federal Council in accordance with **Rule 3.7**.
 - (e) Members enrolled in this manner will be attached to a Branch by the Federal Council or Federal Executive in accordance with **Rule 54**.
 - (f) For the avoidance of doubt, the power of the Federal Council or the Federal Executive to enrol members from the State of Queensland under this rule is additional to any capacity to enrol members contained within these rules, the rules of any Branch or the rules of any Associated Body.

55. ADMISSION TO MEMBERSHIP - MEMBERS OF ASSOCIATED BODIES

- 55.1** Members of Associated Bodies (who are eligible for membership of the Union under Part 2 of Chapter A) may become members of the Union in accordance with the provisions of this rule.
- 55.2** An application for membership of the Union in respect of a member of an Associated Body may be made on behalf of such person by the Associated Body of which he/she is a member in accordance with the rules of that body.
- 55.3** An application for or admission to membership shall not be invalid due to an error, omission or want of form.
- 55.4** A person shall become a member under this rule on the date when the application made on behalf of that person by the relevant Associated Body is received by the relevant Branch.

- 55.5** No person shall become a member of the Union pursuant to this rule unless he/she has been notified by letter by the relevant Branch and Associated Body:
- (a) that on the date specified in the letter being not less than six weeks after the date of the letter an application in accordance with this rule will be made on his/her behalf to the Union; and
 - (b) of the financial obligations arising from membership and the circumstances and the manner in which a member may resign from memberships; and
 - (c) that if a written objection to the Secretary of the relevant Associated Body is received within one month of the letter then no application on his/her behalf will be made.
- 55.6** The membership records of the Associated Body of members of the Union who are also members of an Associated Body, shall be kept at the relevant Branch Office, and shall be deemed to be part of the register of members required to be kept for the purposes of **Rule 65**.
- 55.7 Interpretation**
- (a) References to an Associated Body in this rule shall (unless the context otherwise precludes it) include reference to any officer or employee of an Associated Body.
 - (b) An Associated Body shall be taken to be the agent of its members for all purposes under this rule.

56. BRANCH ASSOCIATES

- 56.1** A Branch Council shall have power to make provision for the enrolment as Associates of the Branch of persons who are not eligible for membership of the Union but who are:
- (a) retired persons who prior to retirement were members of the Union;
 - (b) widows or widowers of persons who prior to retirement or death were members of the Union or Associates of the Branch;
 - (c) trainee or cadet officers;
 - (d) students attending any tertiary institution;
 - (e) a person eligible for Associate membership in an Associated body; or
 - (f) such other persons as provided by the Branch Rules.
- 56.2** A Branch Council shall have power to:
- (a) fix and collect enrolment fees and subscriptions for Associates of the Branch;
 - (b) determine the conditions under which a person shall cease to be an Associate of the Branch;
 - (c) organise groups and committees of Associates, and provide administrative and financial support for their activities;
 - (d) provide for the participation of Associates in Provident or welfare Funds or other activities of or supported by the Branch; and
 - (e) provide for the participation in activities of Associates (including groups or committees) of financial members of the Union who are also persons of one of the kinds described in **Rule 56.1(a) to (e)**.
- 56.3** Enrolment as an Associate of a Branch shall not entitle a person to any of the rights of membership.

57. RIGHTS OF MEMBERS

- 57.1** Every financial member of the Group shall have the right (subject to reasonable provisions in the rules of a Branch with respect to enrolment) to vote at any ballot taken for the purpose of submitting a matter to a vote of the members of the Group or of a Branch section or other division of the Group in which he or she is included.
- 57.2** A ballot of all financial members of the Branch on any question may be requested by a petition of twenty per cent of the financial membership of the Branch.
- (a) The Branch Secretary shall within a reasonable time request the Branch Returning Officer to hold a postal ballot of all financial members of the Branch.
- (b) The Ballot shall conclude within four weeks of the date of the Branch Secretary's request.
- 57.3** An unfinancial member shall not hold any office of the Group or attend or vote at any meeting, or nominate, be nominated or vote in any election or ballot.

58. TERMINATION OF MEMBERSHIP

58.1 Resignation

- (a) A member may resign from membership of the Union by notice in writing if:
- (i) The member ceases to be eligible to become a member of the Union; or the
- (ii) Member gives notice not less than two weeks before the resignation is to take effect.
- (b) Notice in writing of resignation shall be addressed to the Branch Secretary of the Branch of which the member resigning is a member or of which he or she has been attached.
- (c) A notice of resignation from membership of the Union takes effect:
- (i) Where the member ceases to be eligible to become a member of the Union, the later of :
- On the day on which the notice is received by the Union; or
 - 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;
- (ii) In any other case the later of:
- Two weeks after the notice is received by the Union; or
 - On the day specified in the notice.
- (d) Any dues payable but not paid by a former member of the Union, in relation to a period before the member's resignation or termination of membership under a Branch rule made pursuant to **Rule 58.3(a)** from the Union took effect, may be sued for or recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.
- (e) A notice delivered to the Branch Secretary in **Rule 58.1(b)** shall be taken to have been received by the Union when it was delivered.
- (f) A notice of resignation that has been received by the Union is not invalidated by reason of the fact that it has not been addressed and delivered in accordance with **Rule 58.1(b)**.

61. OFFICIAL JOURNAL

- (g) A resignation of membership of the Union is valid notwithstanding that it is not effected 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.

58.2 Group and Branch offices end on resignation

Once a resignation from membership comes into effect in accordance with Rule 58 any Group or Branch office held by the member ends.

58.3 Termination of membership

- (a) The rules of a Branch may provide that the membership of an unfinancial member
 - (i) Be terminated under specified circumstances, and
 - (ii) Specify conditions under which persons whose membership has been so terminated may again be entitled to be admitted as a member of the Union.
- (b) Any person whose membership has been terminated under a Branch rule as provided for under **Rule 58.3** shall be regarded as having had his or her membership of the Union terminated, and shall only be entitled to again be admitted as a member of the Union upon satisfying the conditions (if any) as specified in the relevant Branch rule.
- (c) Where the membership of a member has been terminated under a Branch rule as provided for under **Rule 58.3**, the date of effect of the termination shall be the date as provided for under the applicable Branch rule.
- (d) If the membership of an unfinancial member is terminated under Rule 58.3(a) the term of any elected office held by that member in the Branch or Group ends.

59. STANDING ORDERS

Federal Executive, Federal Council, Branch Executive and Branch Council shall respectively adopt such standing orders as will facilitate the business of each body and may vary or suspend standing orders at any time by resolution in that behalf.

60. HONORARY LIFE MEMBERSHIP

- 60.1** Any member may upon the recommendation of a Branch and by resolution of the Federal Council, be elected an honorary life member of the Group for valuable and distinguished service.
- 60.2** An honorary life member shall thereafter be entitled to all the rights and privileges of membership but shall be exempted from payment of subscriptions, levies and all other fees or charges so long as he or she remains eligible for membership.
- 60.3** An honorary life member who ceases to be eligible for membership in the Union shall thereupon cease to be entitled to the rights conferred upon financial members by **Part 3 – Elections and Appointments and Rule 57 Rights of Members**.

61. OFFICIAL JOURNAL

- 61.1** The Federal Council shall have power to publish an official journal and/or to join with any Associated Body or Bodies for the purpose of publishing separately or jointly an official journal.
- 61.2** Any such official journal shall be circulated to members of the Group.

62. MISCONDUCT OF OFFICERS OR MEMBERS

62.1 Purpose

- (a) The purpose of this rule is to deal with alleged misconduct of officers or members of the Union. The rule does not apply to allegations arising from actions as an officer or member of an Associated Body.
- (b) Misconduct of officers is in Rule 62.3
- (c) Misconduct of members is in Rule 62.4
- (d) The procedure for dealing with allegations is in Rule 62.5

62.2 Interpretation

- (a) **Executive Body** in this rule means the relevant body for hearing and determining an allegation. This is:
 - (i) The Federal Council or Federal Executive in relation to a Federal Executive Member or Federal Councillor.
 - (ii) The Branch Council or Branch Executive in relation to a Branch member or Branch Officer.
- (b) **Appeals**
 - (i) An Officer or member found guilty of a charge by a Branch Council or Branch Executive has a right of appeal to the Federal Executive under Rule 44.
 - (ii) For the absence of doubt, there is no appeal from a decision of Federal Council or Executive on charges brought against a Federal Executive Member under this Rule.

62.3 Misconduct of Officers

A Branch Officer, Federal Council delegate, or Federal Executive Member may only be removed from office where they have been found guilty under the rules of the union, of:

- (a) Misappropriation of the funds of the organisation; or
- (b) A substantial breach of the rules of the organisation; or
- (c) Gross misbehaviour; or gross neglect of duty; or
- (d) Has ceased, under the rules of the organisation, to be eligible to hold the office.

62.4 Misconduct of Members

A member is guilty of a breach of these rules who:

- (a) Breaches or fails to comply with any provision of these rules.
- (b) Knowingly fails to obey any lawful resolution of the union.
- (c) Fails to attend any meeting of the Union or Branch when summoned by an Executive Body without a reasonable excuse.

62. MISCONDUCT OF OFFICERS OR MEMBERS

- (d) Knowingly obstructs, insults or behaves in an offensive manner towards any officer or employee of the Union or Branch acting in the course of their duties.
- (e) Wrongly holds themselves out, without reasonable excuse, as occupying any office or position, or as representing the Union.
- (f) Behaves in a drunken, disorderly or offensive manner at any meeting, official function, or in any office of the Union or Branch.
- (g) Aids or encourages any member in a breach of these rules.
- (h) Knowingly breaches a code of conduct approved by a Branch Council, provided the Code of Conduct has been published on the Branch website or made available to the member on request.
- (i) Brings a charge under this rule vexatiously or without reasonable cause.
- (j) Knowingly and wrongfully causing injury to the reputation of the Union, an Officer, a Union Employee, agent or other lawful representative of the Union or a Member

62.5 Procedure of dealing with charges against an Officer or Member

- (a) A member may allege that an officer or member has breached these rules by providing a written charge(s):
 - (i) To the Branch Secretary for allegations against a Branch Officer or member.
 - (ii) To the Branch President if the allegation relates to the Branch Secretary.
 - (iii) To the Federal Secretary for allegations against a Federal Executive Member or Federal Councillor.
 - (iv) To the Federal President if the allegation relates to the Federal Secretary.
- (b) The person who receives the allegation
 - (i) Must provide a written notice of the charge(s) to the officer or member and any supporting documents within a reasonable period of time, unless they decide Rule 62.5(b)(ii) applies to the matter.
 - (ii) May, after giving the matter due consideration form a preliminary view that the matter is frivolous.
- (c) The Executive Body to whom the charge is referred, may
 - (i) Make any directions concerning the procedure to deal with the charges.
 - (ii) Suspend the person charged from office pending determination of the charge. A paid officer will continue to receive their remuneration while they are suspended.
 - (iii) Appoint a member to act in the capacity of the officer stood down for a period of time.
 - (iv) Engage an independent investigator to provide a report about the charge(s). The investigator may provide a recommendation about how the Executive Body

should deal with the matter. The investigator must not be a member of the Executive Body.

62.6 Executive Body meeting

- (a) The relevant officer of the Executive Body is responsible for convening a meeting as soon as practicable to hear the charge provided that,
 - (i) The officer or member charged must be given at least 21 days' notice in writing of the place and date of the Executive Body meeting at which the charge is to be heard.
 - (ii) The officer or member charged must be given any further particulars together with, any document received in support of the charge at least 21 days before the date of the Executive Body meeting at which the charge is to be heard.
- (b) At the meeting to hear the charge, the Executive Body:
 - (i) Must give the officer or member bringing the charge the opportunity to be heard.
 - (ii) Must give the person charged an opportunity to be heard.
 - (iii) May deal with the matter in person, or in written submissions.
 - (iv) All persons may be represented by another person, other than a legal practitioner, at the meeting.
 - (v) If the officer or member fails to attend or does not respond to the charge, the Executive Body may determine the charge on the evidence available.
 - (vi) May dismiss the charge.
- (c) The person who has made the charge, and the officer or member charged, shall not be entitled to vote at the Executive Body meeting dealing with the charge.

62.7 Penalties

- (a) The Executive Body can impose the following penalties:
 - (i) No penalty.
 - (ii) Warn, or reprimand the member.
 - (iii) Suspend any or all rights of membership for a period not exceeding 3 months.
 - (iv) Impose a fine, not exceeding 12 months membership subscription,
 - (v) Expel the member.
- (b) In the case of an officer, remove them from office, only if charges under Rule 62.3 are proven.
- (c) The officer or member is entitled to make submissions about the penalty before it is imposed by the Executive Body.

- (d) If the officer or member fails to provide a response within 14 days the Executive Body may impose the penalty;

62.8 Appeals from Branch decisions

- (a) A Branch officer or member found guilty of a charge may appeal to the Federal Executive concerning a finding of guilt, the penalty imposed or both.
- (b) The person must give the Federal Secretary written notice of their intention to appeal within seven days of being notified in writing of the decision of Branch Executive or Council.
- (c) The appeal must identify errors of fact in the application of the Rules, any procedural unfairness, or whether the penalty is excessive.
- (d) A notice to appeal will operate to stay the decision of the Branch Executive or Council.
- (e) The Federal Executive:
 - (i) In performing the functions in this rule, shall at all times apply the principles of procedural fairness to the officer or member charged.
 - (ii) Must give the person charged an opportunity to be heard.
 - (iii) Must deal with the matter by written submissions by the person or their representative.
 - (iv) Must if satisfied that the complaint is not established or justified, uphold the appeal, quash the decision of the Branch Council or Executive and impose no penalty.
 - (v) Must direct the Federal Secretary to immediately notify the officer or member charged of the decision of the Federal Executive.
 - (vi) Must if it has determined that the officer or member should not be expelled from membership or removed from office, reinstate the Branch officer or member to the former office and thereby remove from office any person appointed or elected to fill the vacancy in that office.
 - (vii) May, in its discretion, set aside or vary any decision to suspend the officer or member charged.
- (f) The Federal Executive may make any directions concerning the procedure governing the dealing with the appeal that it sees fit.
- (g) The person who has made the charge, and the officer or member charged, are not entitled to cast a vote at the Federal Executive meeting dealing with the charge;
- (h) Appeal Decisions of the Federal Executive made under this rule are final.

62.9 Removal from office

- (a) Where an officer is removed from office, the office is vacant and a casual vacancy may be filled under rule 44.

64. DELEGATION OF FUNCTIONS

- (b) For the purposes of this rule where a notice is required to be given Rule 1.4 applies. The notice will be posted by registered mail to their last known address.

63. REGULARITY OF PROCEEDINGS

- 63.1** The requirements of any rule with respect to the calling of meetings of Federal Council, Federal Executive, Branch Executive, or Branch Council, are directory and are not mandatory. An accidental omission will not itself invalidate any resolution of those bodies.
- 63.2** A body constituted under these rules may continue to function despite any vacancy, provided the requisite quorum is present.
- 63.3** No failure to give notice and no defect in any notice given calling a meeting of a body constituted under these rules shall invalidate the proceedings unless such failure or defect results in the non-attendance of some member otherwise able and willing to attend.
- 63.4** Any such failure or defect may be waived by the member entitled to the notice before, during or after the meeting.
- 63.5** All communications the Group may send to a member or office holder under these rules may be sent to the member or office holder at the last address notified by him or her to the Group.
- 63.6** No decision or proceeding of a body provided for under the rules shall be invalidated by the presence or participation of any person not entitled to be present or to participate. Provided that:
 - (a) Their presence does not determine the requisite quorum and the vote of the person did not determine the decision or the result of the proceeding; and
 - (b) No objection to their presence or participation was taken at the time.

64. DELEGATION OF FUNCTIONS

- 64.1** An officer or body may delegate a function to a person or body or the holder of a particular office or position.
- 64.2** In determining to make delegations under this rule the officer or body shall take into account:
 - (a) The most administratively appropriate arrangements.
 - (b) The objective of minimising any duplication of responsibilities.
 - (c) The size and any special factors relating to the body; and
 - (d) The provisions of the Act.
- 64.3 Powers of delegate**
 - (a) The delegation may be made either generally or as otherwise provided by the delegation.
 - (b) The delegation may be exercised only in accordance with any condition to which the delegation is subject.
 - (c) If the delegation is to the holder of a particular office or position it may be exercised by any person from time to time holding, occupying or exercising the functions of the office or position.
 - (d) Where the exercise of the function by a person or body is dependent on the opinion, belief or state of mind of the person or body in relation to any matter and the function has been delegated that function may be exercised on the opinion, belief or state of mind of the delegate in relation to the matter.

65. REGISTER OF MEMBERS

- (e) A delegation does not prevent or limit the exercise of the function by the delegator.
 - (f) A delegation may be revoked, wholly or partly, by the delegator.
 - (g) A delegate may in the exercise of a delegated function exercise any other function which is incidental to the delegated function.
- 64.4** A delegate may sub-delegate a delegated function unless the delegation is subject to a condition prohibiting sub-delegation and this rule shall apply to a sub-delegation in the same way it applies to a delegation to a function.
- 64.5** The powers of the Federal Council set out in **Rules 3.7(b)(i),(ii),(iii) and (iv)** may not be delegated.
- 64.6** **Limitation on delegation**
- (a) If a function involves direct participation in the making of policy for the Union, Group or a Branch, or involves direct participation in the making, alteration, or rescission of the Rules of the Union, Group or a Branch, then it may only be delegated to a Federal or Branch Officer, or a collective body consisting of Federal or Branch Councillors.
 - (b) If a function involves direct participation in the management of the affairs of the Union, Group, or a Branch, or involves direct participation in the enforcement of the Rules of the Union, Group or a Branch,
then it may only be delegated:
 - (i) to a Federal or Branch Officer, or a collective body consisting of Federal or Branch Councillors; or
 - (ii) to another person subject to the proviso that it may only be exercised in accordance with directions given by a Federal or Branch Officer, or a collective body consisting of Federal or Branch Councillors for the purpose of implementing existing policy of the Union, Group or a Branch, or decisions concerning the Union, Group or a Branch.
- 64.7** In this Rule:
- (a) A reference to a function includes a reference to a power, authority and duty;
 - (b) A reference to a function includes a function conferred by the Rules or by a resolution;
 - (c) A reference to the exercise of a function includes the performance of a duty.
- 64.8** The Federal Secretary shall maintain a schedule of operative delegations made under these Rules. The schedule shall be provided to Federal officers or members, upon request
- 64.9** A Branch Secretary shall maintain a schedule of operative delegations made under these rules for the Branch. The schedule shall be provided to Federal officers or members, or Branch officers or members upon request.

65. REGISTER OF MEMBERS

65.1 Group and Branch record keeping obligations

The Group, and each Branch of the Group, shall keep a register of its members showing the name and postal address of each member and shall keep all other records as are required to be maintained by organisations under the Act in the manner and at the place prescribed by the Act and Regulations.

65.2 Maintenance of the Group membership register

The Group, through each Branch of the Group, shall keep a register of its members showing the name and postal address of each member required to be maintained by organisations under the Act (“The Group Register”) in the following manner

- (a) The Group Register will be composed of each of the respective Branch registers which will be kept and maintained by the Branch Secretaries at the Registered Office of the Branch in accordance with the Act and Regulations
- (b) Each Branch Secretary is the agent of the Federal Secretary for the purpose of that part of the Group Register in the Branch.
- (c) Each Branch Secretary will ensure that part of the Group Register held in each branch is accurate and complies with the Act and Regulations
- (d) A Branch Secretary will provide to the Federal Secretary all or part of the Group Register held in a Branch in the following circumstances:
 - (i) A request from the Australian Electoral Commission
 - (ii) A request from the Fair Work Commission
 - (i) A resolution of the Federal Council or Federal Executive.

66. TRANSITIONAL RULE TO RECALIBRATE THE ELECTION CYCLE

66.1 Purpose

Due to the COVID 19 Pandemic the election cycle which was scheduled to take place in 2020 was delayed and was not concluded until 2022. As a result a transition rule is required to recalibrate the elections for the SPSF group

66.2 Election Cycle

Notwithstanding any other Rule in Chapter C,

- (a) The next election cycle for Branch and Federal offices will take place in 2025.
- (b) The election cycle following 2025 will be in 2028. The effect of this Rule 66.2(a) is the terms of office, and that election cycle shall be three years.
- (c) From the 2028 election, elections will resume a four-year cycle. That is: 2032, 2036 and following.
- (d) Nothing in this rule effects the WAPOU Branch election cycle

67. TRANSITION RULE FOR WAPOU RULE

Schedule B will cease to apply on the date that the General Manager of the Fair Work Commission approves autonomous WAPOU Branch rules passed by its Branch Council

Rules of the
CPSU - SPSF Group - Western Australian Prison Officers’
Union (WAPOU) Branch

CONTENTS

1 - FEDERAL RULES.....72
2 - NAME72
3 - REGISTERED OFFICE72
4 - BRANCH MEMBERS72
5 - POWERS, CONTROL AND MANAGEMENT OF BRANCH72
6 - BRANCH COUNCIL.....73
7 - BRANCH EXECUTIVE74
8 – DELEGATES TO BRANCH COUNCIL.....75
9 – CASUAL VACANCIES.....75
10 - BRANCH FUND.....75
11 - ANNUAL REPORT76
12 - ANNUAL GENERAL MEETING.....76
13 - SPECIAL GENERAL MEETINGS77
14 - REFERENDUM77
15 - DUTIES OF MEMBERS78
16 - DUTIES OF BRANCH EXECUTIVE OFFICERS78
18 - DUTIES OF DELEGATES TO BRANCH COUNCIL81
19 – SUB BRANCHES81
20 - MISCONDUCT.....82
21 - CENSURE MOTIONS.....83
22 - EXECUTION OF AGREEMENTS AND DOCUMENTS84
23 - ELECTIONS84
24 - STANDING ORDERS84
25 - TRANSITIONAL PROVISIONS84
26 - REGISTER OF MEMBERS85

RULES OF THE CPSU, SPSF GROUP WESTERN AUSTRALIAN PRISON OFFICER'S (WAPOU) BRANCH

1 - FEDERAL RULES

These rules are in addition to the federal rules of CPSU, the Community and Public Sector Union and shall apply to the SPSF Group Western Australian Prison Officers' Union Branch so far as they are not in conflict with the federal rules.

2 - NAME

The name of the Branch shall be the CPSU, the Community and Public Sector Union, SPSF Group, Western Australian Prison Officers' Union Branch, in these rules called the WAPOU Branch.

3 - REGISTERED OFFICE

The office of the WAPOU Branch shall be at 63 Railway Parade, Mt Lawley, or such other address as the Branch Council resolves.

4 - BRANCH MEMBERS

- 4.1 The members of the WAPOU Branch shall be those persons employed in a prison or prison service in the State of Western Australia, who is not a member of, or eligible to be a member of the CPSU/CSA Western Australian Branch and who has been admitted to membership of the CPSU, SPSF Group and who is eligible for membership under Rule 2 – Constitution and Eligibility for Membership of the CPSU rules.
- 4.2 Membership shall cease upon the member severing employment with a prison or prison service within the State of Western Australia.
- 4.3 A member may end membership by giving written notice of the intention to resign from the later date specified in the notice, but the member will be responsible for any subscriptions, levies and fines owing up to and including the date of ceasing to be a member of the WAPOU Branch.

5 - POWERS, CONTROL AND MANAGEMENT OF BRANCH

- 5.1 The WAPOU Branch shall have all powers vested in it in accordance with Chapter C of the federal rules and shall at all times conform to the federal rules. (Chapter C of the federal rules provide that the WAPOU Branch shall have full autonomy in matters affecting members of the WAPOU Branch only and matters concerning the participation of the WAPOU Branch in any State industrial conciliation and arbitration system).
- 5.2 Democratic control of the WAPOU Branch resides with the members who can by virtue of provisions elsewhere in the rules:
 - (a) participate in Annual General Meetings and Special General Meetings of the WAPOU Branch;
 - (b) contest elections;

6 - BRANCH COUNCIL

- (c) vote in ballots, and at membership meetings;
- (d) lay charges of misconduct against officials and other members; and
- (e) requisition Special General Meetings or Referenda.

6 - BRANCH COUNCIL

6.1 The affairs of the WAPOU Branch shall be managed by the Branch Council, which shall have power to control and manage the business and affairs of the WAPOU Branch in the State of Western Australia, subject always to the federal rules and in so far as they affect its members, and to any lawful direction of the National Officers Committee, Federal Council or Federal Executive and without limiting the generality of this power shall have power to:

- (a) make amend and rescind rules and bylaws for the regulation and government of the WAPOU Branch;
- (b) enrol in the Union any person eligible to be a member under Rule 4 – Branch Members;
- (c) fix and from time to time vary the entrance fees and subscriptions payable by candidates for membership and members of the SPSF Group attached to the WAPOU Branch;
- (d) impose levies on members attached to the WAPOU Branch;
- (e) waive in whole or part any fees, subscriptions and levies;
- (f) disburse or authorise the disbursement of monies from the WAPOU Branch fund for any purpose within the objects of the CPSU;
- (g) for the purposes of managing the Branch Fund:
 - (i) to buy, sell, rent, lease, sublet or otherwise deal with any property real or personal;
 - (ii) to enter into any contract;
 - (iii) to borrow money and mortgage or charge any of the real or personal property of the WAPOU Branch;
 - (iv) to establish any company or trust to hold, or assign on trust, any real or personal property of the Branch Fund;
- (h) appoint or remove a Branch Returning Officer qualified to act in accordance with the *Fair Work (Registered Organisations) Act 2009 (Cth)* to conduct any election for which a Returning Officer is required to in connection with any Branch office in the SPSF Group;
- (i) appoint or remove a Branch Auditor qualified to act in accordance with the Act for any purpose for which an auditor is required in connection with the Branch accounts of the SPSF Group;
- (j) fix and from time to time vary the salaries and allowances or honorariums payable to Branch Officers and to confer authority on the Branch Secretary to employ, retain and terminate the employment of such staff on such terms as shall be specified in a resolution of Branch Council;

7 - BRANCH EXECUTIVE

- (k) subject to the rights of Officers under Chapter C of the federal rules, dismiss from office any person elected to an office within the WAPOU Branch who has been found guilty in accordance with the rules of the CPSU of misappropriation of the funds of the CPSU, a substantial breach of the rules of the CPSU, gross misbehaviour or gross neglect of duty, or who has ceased according to the rules of the CPSU to be eligible to hold the office provided that any such person shall have a right of appeal to the Federal Council;
 - (l) to publish and distribute Branch Publications;
 - (m) do all things necessary or convenient to the exercise of the foregoing powers.
- 6.2 The Branch Council shall consist of:
- (a) the Branch Executive Officers; and
 - (b) the Delegates to Branch Council elected by each Sub-Branch on the basis of one delegate for each hundred financial members or part thereof.
- 6.3 Branch Council shall meet at least every two months or at such other times as Branch Council or Branch Executive shall deem necessary and shall be convened by notice signed by the Branch Secretary.
- 6.4 At every meeting of Branch Council the quorum shall be twelve (12).

7 - BRANCH EXECUTIVE

- 7.1 Between meetings of Branch Council the management of the WAPOU Branch shall be vested in the Branch Executive which shall be the committee of management of the Branch and pending the first meeting of Branch Council shall have all such powers except the power to make, amend or rescind rules or any power expressly reserved to itself by decision of Branch Council.
- 7.2 The Branch Executive shall meet at least every two months between meetings of Branch Council and whenever required by the Branch President after consultation with the Branch Secretary.
- 7.3 The Branch Executive shall consist of:
- (a) the Branch President;
 - (b) the Branch Vice-President;
 - (c) the Branch Secretary;
 - (d) the Branch Assistant Secretary
 - (e) the Branch Treasurer; and
 - (f) three (3) Executive Members.
- 7.4 An Executive Officer may attend and speak at any meeting in the WAPOU Branch held under these rules.
- 7.5 Members of the Branch Executive shall be elected for a period of four (4) years, by the whole of the financial membership of the WAPOU Branch.

8 – DELEGATES TO BRANCH COUNCIL

- 8.1 For the purpose of determining the number of delegates to be elected in accordance with sub-rule 6.2 (b) hereof, the number shall be determined in accordance with the number of financial members in each Sub-Branch at the end of the quarter of the year preceding the calling for nominations for election to the Branch Council.
- 8.2 Delegates elected by each Sub-Branch shall be elected every four years with Northern Region Sub-Branches elections and elections for Sub-Branches other than Northern Region Sub-Branches being held separately in alternative even-numbered years.
- 8.3 For the purpose of this rule the Northern Region Sub-Branches shall be Roebourne Regional Prison, Broome Regional Prison, Greenough Regional Prison, Eastern Goldfields Regional Prison, Hakea Prison, Bandyup Women’s Prison and West Kimberley Regional Prison.
- 8.4 For the purposes of this rule, Sub-Branches other than Northern Region Sub-Branches are those that are not listed in Rule 8.3.
- 8.5 A Delegate to Branch Council transferred to another Sub-Branch other than on a temporary basis for less than six (6) months shall cease to be eligible to hold office in such circumstances.
- 8.6 With the exception of Delegates to Branch Council who reside fifty kilometres or more away from the Perth Metropolitan Area, a Delegate to Branch Council or Branch Executive who, without good and sufficient reasons acceptable to Branch Council, absents themselves from three (3) consecutive meetings, may with the consent of a General Meeting be removed from office and the vacancy filled as provided for under these rules.

9 – CASUAL VACANCIES

- 9.1 Should any member of Branch Council cease to be a member of Branch Council for any reason other than because the period for which such member of Branch Council was elected has expired, the powers and duties of the Branch Council shall not be invalidated because of such vacancy.
- 9.2 Casual vacancies shall be filled in accordance with the elections provisions of these rules, provided that any person elected shall hold office for the balance of the unexpired term of office.
- 9.3 A Sub-Branch may nominate a proxy Delegate to Branch Council to fill a temporary vacancy for the period up until an election is held to fill the vacancy.

10 - BRANCH FUND

- 10.1 The Branch Fund shall consist of:
- (a) any real or personal property of which the WAPOU Branch of the SPSF Group 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) the amounts of entrance fees, subscriptions, fines, levies and other fees received by the WAPOU Branch, less so much of the amount as is payable by the WAPOU Branch to the CPSU;
 - (c) any interest, rents or dividends derived from the investment of the Fund;
 - (d) any superannuation or long service leave fund operated or controlled by the WAPOU Branch for the benefit of its officers or employees;
 - (e) any fund operated or controlled by the WAPOU Branch for the benefit of its members;

12 - ANNUAL GENERAL MEETING

- (f) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
 - (g) the proceeds of any disposal of parts of the Fund.
- 10.2 Cheques and other instruments drawn against funds deposited to the credit of the Branch Fund with banks or other financial institutions shall be signed by the Branch Secretary or a person delegated for the purpose by the Branch Secretary, and one other person who is either:
- (a) the Branch Treasurer;
 - (b) another member of the Branch Executive; or
 - (c) a person appointed by Branch Council for the purpose of signing cheques and other such instruments.

11 - ANNUAL REPORT

- 11.1 A report by the Branch President and Branch Secretary of the activities of the WAPOU Branch during the preceding financial year, together with the financial statements for the Branch Fund, and following approval by Branch Council, shall be presented at the Annual General Meeting and made available to members on the Union's web site. A summary of the report, approved by the Branch Secretary, shall be published in an official publication to all members. A full copy of the report shall be provided to any member who so requests.

12 - ANNUAL GENERAL MEETING

- 12.1 The Annual General Meeting of members of the WAPOU Branch shall be held in the first quarter of each financial year.
- 12.2 At least seven days notice of the date, time and place for the holding of any Annual General Meeting of members of the WAPOU Branch shall be published in an official Branch publication directed to all members and in a Perth daily paper.
- 12.3 The text or details of any motions of which notice has been given shall appear in the notice published in an official Branch publication.
- 12.4 No business shall be transacted at the Annual General Meeting other than that stated in the notice convening the meeting.
- 12.5 The Branch Council shall determine what additional items to include on the agenda in sufficient time to allow the agenda to be published at least 7 days prior to the Annual General Meeting.
- 12.6 A quorum for an Annual General Meeting shall consist of twenty (20) members.
- 12.7 If, within a quarter of an hour from the time appointed for the meeting a quorum of members be not present, it shall stand adjourned until another meeting can be arranged; and at such adjourned meeting the members there present will dispose of all business on the notice paper.
- 12.8 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.
- 12.9 Any resolution formally carried at a general meeting of the WAPOU Branch shall be an instruction to the Branch Council and Executive Officers of the Branch; provided that the Branch Council, after mature consideration, may defer action on any such resolution, pending the calling of a Special General Meeting, within one month, to further discuss the subject. If the resolution be re-affirmed

14 - REFERENDUM

by the Special General Meeting, the Branch Council shall then carry out the direction of such meeting.

13 - SPECIAL GENERAL MEETINGS

- 13.1 Special General Meetings shall be convened:
- (a) whenever it is considered necessary by the Branch Council; or
 - (b) on the receipt by the Branch Council of a requisition in writing stating the objects and signed by not less than one hundred (100) members of the Branch; or
 - (c) by the Branch Secretary in the event only of there being no quorum of at least 12 delegates or 30%, whichever is lesser, of the Branch Council competent to vote at a Branch Council meeting held for the purpose of considering the circumstances as set forth by paragraphs (a) and (b) above,
- upon receipt of such requisition a Special General Meeting shall forthwith be convened by the Branch Secretary to be held within 28 days from the receipt of such requisition, but if same be not convened within 14 days from the date of receipt the requisitioners may themselves convene a meeting.
- 13.2 No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting, and no motion considered, or other business transacted, at any meeting which is not included within the objects and purposes for which the meeting is convened and no amendments shall be allowed upon any motion contained in the notice convening any meeting not directly pertinent thereto.
- 13.3 Whenever a Special General Meeting shall lapse for the want of a quorum or by the resolution of the members present be adjourned to a future day, notice thereof shall be given by circular or advertisement as determined by the chairperson of the meeting.
- 13.4 If, within a quarter of an hour from the time appointed for the meeting a quorum of members be not present, the meeting if convened upon the requisition of members, shall be dissolved; in any other case, it shall stand adjourned to another date and if at such adjourned meeting a quorum of members be not present, it shall be adjourned sine die.
- 13.5 The provisions of Rule 12, paragraphs 12.2, 12.3, 12.6 and 12.8 shall also apply to Special General Meetings.
- 13.6 Any resolution carried at a Special General Meeting may, if the Branch Council so decide be referred for determination by a referendum of all the financial members of the WAPOU Branch.
- 13.7 The result of the ballot or, where no ballot is to be conducted, any resolution carried at a Special General Meeting, shall be binding on the Branch Council.

14 - REFERENDUM

- 14.1 A referendum to obtain the view of all financial members of the WAPOU Branch on any question governing the affairs of the WAPOU Branch may be initiated by a:
- (a) resolution of the Branch Council; or
 - (b) resolution of an Annual General Meeting or Special General Meeting to refer a motion before it to a referendum; or
 - (c) requisition signed in writing by twenty (20) percent of the financial members of the WAPOU Branch.

16 - DUTIES OF BRANCH EXECUTIVE OFFICERS

- 14.2 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 the Branch Council who 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 the Branch Council may determine that several referenda shall be conducted by a single ballot of financial members.
- 14.3 The arrangements for the taking of a referendum shall be made by the Branch Executive who shall:
- (a) appoint for the conduct of the referendum a Returning Officer and such Assistant Returning Officers and Scrutineers as it deems necessary; and
 - (b) prepare material to accompany the question, which in the case of a referendum not agreed to by the Branch Council shall include an objective statement of the arguments against the question.
- 14.4 The Returning Officer shall:
- (a) issue a ballot paper, and accompanying material, to each financial member of the WAPOU Branch;
 - (b) supervise the counting of the returns; and
 - (c) declare the final result of the ballot as a whole in writing to the Branch Secretary.
- 14.5 Any question put pursuant to any provision of this Rule shall be determined by a simple majority.
- 14.6 When a question is carried in the affirmative by a referendum it shall be put into effect forthwith.
- 14.7 No question substantially the same in substance or effect, shall be resubmitted to referendum within a period of two years from the declaration of a ballot, provided that this provision shall not preclude the Branch Council from submitting any question to referendum at any time.

15 - DUTIES OF MEMBERS

- 15.1 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 for the interests of the Union and its members collectively and within the democratic structures provided.
- 15.2 Decisions of meetings of members, Branch Council and other bodies, called and conducted in accordance with these rules are binding on members. This does not prejudice the right of members to seek to vary such decisions within the framework of the Union and its rules.

16 - DUTIES OF BRANCH EXECUTIVE OFFICERS

- 16.1 The Branch President shall:
- (a) preside at all meetings of Branch Council, Branch Executive and any meetings in the WAPOU Branch that they attend, and sign the minutes thereof;
 - (b) enforce the rules, Union and WAPOU Branch policies 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 Branch Secretary determine the date, time and place of meetings of Branch Council and Branch Executive whenever such date, time and place has not been determined by Branch Council or Branch Executive;
- (d) exercise a deliberative vote if he or she so desires at meetings of Branch Council and Branch Executive;
- (e) ensure, as far as possible, that the rules of the WAPOU Branch are performed and observed by officers and members of the WAPOU Branch;
- (f) request and receive an explanation from any officer or member of the WAPOU Branch in any case where the Branch President believes that the rules of the WAPOU Branch have not been performed or observed and report thereon to Branch Executive and Branch Council;
- (g) generally act to safeguard the reputation, unity, autonomy and property of the WAPOU Branch;
- (h) be an ex-officio member of all committees of the WAPOU Branch;
- (i) act in conjunction with the Branch Secretary and at least two other members of the Branch Executive in all matters of urgency.

16.2 The Branch Vice-President shall:

- (a) assist the Branch President in the performance of the duties of the Branch President;
- (b) in the absence of the Branch President, or whenever the Branch President requests, or Branch Council or Branch Executive instructs, perform the duties of the Branch President or such of those duties as may be specified in each request or instruction;
- (c) in the absence of the Branch Treasurer, or whenever Branch Council or Branch Executive instructs, perform the duties of the Branch Treasurer or such of those duties as may be specified in each request or instruction; and
- (d) attend all meetings of the Branch Council and Branch Executive.

16.3 The Branch Treasurer shall:

- (a) furnish to the Branch Council at each ordinary meeting a statement showing the financial position of the WAPOU Branch;
- (b) present to the Branch Council such reports as may have been supplied by the Auditors;
- (c) in the absence of the Branch President and the Branch Vice- President, or whenever the Branch President requests, or Branch Council or Branch Executive instructs, shall perform the duties of the Branch President or such of those duties as may be specified in each request or instruction; and
- (d) attend all meetings of the Branch Council and Branch Executive.

16.4 The Branch Secretary shall:

- (a) be the executive officer of the WAPOU Branch and, subject to Rule 6, be responsible for the administration of the WAPOU Branch, the management of the Branch Office and the direction of the employees of the WAPOU Branch;
- (b) attend all General Meetings and meetings of the Branch Council or Branch Executive;

16 - DUTIES OF BRANCH EXECUTIVE OFFICERS

- (c) attend to and keep a copy of all correspondence;
- (d) keep minutes of all meetings and record business transacted by the WAPOU Branch, circulate such minutes in draft where required and present a true copy of minutes at a subsequent meeting of the same body;
- (e) convene all General Meetings and summon members of the Branch Council and Branch Executive to all meetings;
- (f) keep a register of all members of the WAPOU Branch and the Sub-Branch to which members are assigned;
- (g) conform to all the requirements of legislation required to be observed by the WAPOU Branch and where necessary and appropriate submit industrial disputes to conciliation and arbitration in accordance with the practices and procedures set out in the legislation;
- (h) keep proper books of account of the WAPOU Branch and see to the preparation of an annual balance sheet and statement of receipts and payments and income and expenditure disclosing the true financial position of the WAPOU Branch and submit same together with all books and vouchers or records required for audit to the WAPOU Branch and in particular:
 - (i) be accountable for all monies received by the WAPOU Branch;
 - (ii) ensure prompt payment of WAPOU Branch monies into the appropriate bank account of the WAPOU Branch;
 - (iii) be accountable for all monies expended from Branch funds;
 - (iv) ensure cheques drawn upon the Branch fund in payment of accounts are correct to be paid and that all cheques are countersigned;
 - (v) not make any disbursement directly out of monies received before being banked;
 - (vi) produce any books and records for inspection at all reasonable times when demanded by the Branch Council;
 - (vii) produce any financial records for inspection when demanded by the Auditor or Branch Treasurer;
- (i) discharge all such other duties and services as may be assigned by the Branch Council or Branch Executive;
- (j) not pay, lend or otherwise appropriate any of the funds of the Branch for any cause or purpose whatsoever unless so authorised by the Branch Council;
- (k) not make any disbursement directly out of monies received before being paid into the bank.
- (l) be an ex-officio member of all committees of the WAPOU Branch; and
- (m) act in conjunction with the Branch President and at least two other members of the Branch Executive in all matters of urgency.

16.5 The Branch Assistant Secretary shall:

- (a) assist the Branch Secretary with the discharge of their duties; and
- (b) act on behalf of the Branch Secretary when he or she is absent.

- 16.6 The Branch Executive Members shall attend all meetings of the Branch Council and Branch Executive.
- 16.7 With the exception of the Branch Secretary, where a Branch Officer is unable to perform a duty of office, the Branch Executive may authorise one of the Executive Members or member of Branch Council to perform that duty.

17 – (removed)

18 - DUTIES OF DELEGATES TO BRANCH COUNCIL

Delegates to Branch Council shall:

- 18.1 distribute Branch Council agendas, minutes and other reports to members;
- 18.2 promote knowledge and an understanding of CPSU policies and activities;
- 18.3 advise the Branch Council and Branch staff of the views of the members in the electorate and any important issues or changes in their Sub-Branch;
- 18.4 make representations to management and take action in accordance with these rules and Branch policy to resolve matters affecting members in their Sub-Branch;
- 18.5 refer unresolved industrial matters, or matters affecting members outside the delegates' own Sub-Branch, to Branch industrial staff and/or to the Branch Council;
- 18.6 advise members of their industrial entitlements;
- 18.7 protect the working conditions and award rights of members in their Sub-Branch;
- 18.8 strengthen Union organisation in the electorate by recruiting potential members, and informing members about actions taken on their behalf;
- 18.9 administer the business of their Sub-Branch and preside at all Sub-Branch meetings; and
- 18.10 attend all meetings of the Branch Council.

19 – PRISON BRANCHES

- 19.1 There should be a Sub-Branch of the WAPOU Branch at all institutions and all members shall be assigned to a Sub-Branch. To form a Sub-Branch of the WAPOU Branch an application by financial members at an institution shall be forwarded to the Branch Council who shall have power to approve or reject such application.
- 19.2 Each Sub-Branch shall be administered by the Branch Delegate to Branch Council who shall preside at all meetings of the Sub-Branch, authorise the taking of fullest minutes of proceedings and attend to all correspondence.
- 19.3 Each Sub-Branch shall keep all documents and books relating to the Sub-Branch and shall further discharge other such duties as may be allotted from time to time by the Sub-Branch and pay the strictest attention to the interests of the Sub-Branch.
- 19.4 Each Sub-Branch shall pass resolutions for its own government, provided always that such resolutions do not conflict with the Rules, policies or decisions of any General Meeting, Branch Council or Branch Executive Meeting.

20 - MISCONDUCT

- 19.5 Each Sub-Branch shall keep a Standing Order Book to regulate the activities of the Sub-Branch, all orders contained in the Standing Order Book must have the prior approval of the Branch Council, who shall determine whether said orders are constitutional and in the best interests of the Union as a whole.
- 19.6 Sub-Branches shall have meetings when considered necessary or in accordance with established Sub-Branch policy in respect to such matters and the minutes of all such meetings to be forwarded to the Secretary within fourteen (14) days.
- 19.7 Sub-Branches shall have the authority, if considered necessary to elect a number of committee persons to assist the Branch Elected Delegate/s to conduct the affairs of the Sub-Branch. Elections for local Committee, where applicable, shall be held yearly at the Sub-Branch Annual Branch Meeting. All Sub-Branch elections must be by secret ballot.
- 19.8 Where in the opinion of the Branch Council a Sub-Branch fails to operate in the best interests of the WAPOU Branch or the Union as a whole, the Branch Council shall have the power to intervene in the affairs of the Sub-Branch and declare all positions vacant and conduct new elections to re-establish the Sub-Branch.
- 19.9 Each Sub-Branch shall designate one meeting a year as the Annual Sub-Branch Meeting. At that meeting the Sub-Branch shall elect the local committee (if any) and determine the number of members that will form a quorum for Sub-Branch meetings for the forthcoming twelve months, having regard to the membership at the Sub-Branch and the average attendance at Sub-Branch meetings.

20 - MISCONDUCT

- 20.1 A member of the WAPOU Branch may be charged for:
- (a) misappropriation of the funds of the Union;
 - (b) a substantial breach of the rules or duties of members;
 - (c) fraudulent, dishonest, disgraceful or other conduct deemed to injure the Union or to bring it into discredit;
 - (d) failing to declare a pecuniary or other conflict of interest; or
 - (e) gross neglect of duty.
- 20.2 Charges may be laid by:
- (a) a member of the WAPOU Branch;
 - (b) the Branch Council or Branch Executive; or
 - (c) a Branch Officer.
- 20.3 Charges shall be delivered to the Branch Secretary in writing and signed by the person laying the charge, detailing:
- (a) clearly and specifically the alleged misconduct;
 - (b) the persons involved;
 - (c) any witnesses;
 - (d) the date or dates of the occurrence of the offence; and

- (e) particulars of alleged facts on which the charge is based.
- 20.4 As soon as a charge is laid under this rule, no discussion of the matter shall take place at any Branch meeting held under these rules until such time as the charge is finally dealt with.
- 20.5 The Branch Secretary shall:
- (a) within 7 days forward a copy to the member charged along with a written request for the member to reply in writing within 7 days of receipt, admitting or denying the charge or to make any comment thereon;
 - (b) following receipt of the reply, or the expiry of the time to reply, place the charge and any response before the Branch Executive; and
 - (c) offer the member the option to appear before Branch Executive to respond to the charge.
- 20.6 The Branch Executive shall determine that the:
- (a) charge does not warrant further action; or
 - (b) member be summoned to appear before the Branch Council to answer the charge.
- 20.7 Branch Council, if the member does not appear, or if dissatisfied with the member's explanation, may, subject to the rights of officers under Chapter C of the Federal rules:
- (a) expel the member, subject to revision at the next ensuing General Meeting of the WAPOU Branch;
 - (b) suspend the member for a certain time;
 - (c) inflict such fine not exceeding \$100.00 as may seem to meet the merits of the case; and/or
 - (d) censure the member.
- 20.8 No member who has been expelled shall be re-admitted without the prior consent of Branch Council, and such consent shall be subject to confirmation at the next General Meeting of the WAPOU Branch.

21 - CENSURE MOTIONS

- 21.1 A motion of 'no confidence', reprimand, or other form of censure of a Branch Officer or Delegate to Branch Council may be moved at a meeting of Branch Council provided that:
- (a) notice of such motion was given at a previous meeting;
 - (b) notice of intention, including the substantial details of the allegation, are given in writing to the officer at least 21 days prior to the meeting; and
 - (c) the officer is given adequate time and opportunity to reply to the allegation at the meeting.
- 21.2 A motion of 'no confidence', reprimand, or other form of censure of a Delegate to Branch Council may be moved at a meeting of the members of the Sub-Branch which the Branch Councillor represents provided that:
- (a) notice of such meeting, including the motion, is given to all members or delegates eligible to vote at least 21 days prior to the meeting;

25 - TRANSITIONAL PROVISIONS

- (b) notice of intention, including the substantial details of the allegation, are given in writing to the officer at least 21 days prior to the meeting; and
 - (c) the officer is given adequate time and opportunity to reply to the allegation at the meeting.
- 21.3 A motion of 'no confidence' shall be carried if two-thirds of those present and entitled to vote, vote in favour.

22 - EXECUTION OF AGREEMENTS AND DOCUMENTS

- 22.1 Agreements and documents may be executed on behalf of the WAPOU Branch by the Branch Secretary whose signature shall be attested to by one other member of the Branch Executive and any such document so executed shall be and be deemed to be executed on behalf of the WAPOU Branch and with its authority.
- 22.2 Documents required to be executed in accordance with provisions of federal or state industrial legislation shall be executed by the Branch Secretary or by any person delegated for the purpose by the Branch Secretary unless otherwise specified by the relevant Act.

23 - ELECTIONS

- 23.1 Every election required by these rules shall be conducted in accordance with Chapter C of the Federal Rules and by the proportional preferential voting system as defined in the schedule to Chapter C of the Federal Rules.
- 23.2 WAPOU Branch policy may provide for candidates' information of a prescribed form to accompany ballot papers issued in the conduct of a WAPOU Branch election.
- 23.3 The Branch Secretary and Branch Assistant Secretary shall be elected by secret postal ballot of the whole of the financial membership of the WAPOU Branch for a term of four (4) years. Nominations for the position of Branch Secretary and Branch Assistant Secretary shall not be limited to financial members of the WAPOU Branch, but where a person from outside the Branch is elected to either position, they will subsequently be deemed to possess all the rights and privileges of a member of the Branch. Employees of the Associated Body are eligible to be nominated for and hold these positions.
- 23.4 The Branch President, Branch Vice-President and Branch Treasurer and three (3) Executive Members shall be elected by secret postal ballot of the whole of the financial membership of the WAPOU Branch for a term of four (4) years.
- 23.5 A person holding the office of Branch President, Branch Vice-President, Branch Treasurer, or Executive Member shall not be an employee of the WAPOU Branch.
- 23.6 Delegates to Branch Council shall be elected for a four (4) year term by secret postal ballot by the financial members assigned to their Sub-Branch.

24 - STANDING ORDERS

Branch Council shall adopt Standing Orders governing the conduct of all meetings in the WAPOU Branch.

25 - TRANSITIONAL PROVISIONS

These rules come into effect upon their certification by the Fair Work Commission. The first elections for Branch Executive Officers, delegates to Branch Council, delegates to Federal Council and Federal Vice President and Branch Representative will be held within three months of these rules coming into effect.

26 - REGISTER OF MEMBERS

- 25.2 Should these rules come into effect before 1 February 2014, the next elections for Branch Executive Officers will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014 and thereafter in accordance with Rule 23.
- 25.3 Should these rules come into effect before 1 February 2014, the next elections for delegates to Branch Council will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014, with the next election of delegates from the Northern Region Sub-Branches to be declared no earlier than 1 May 2016 and no later than 30 June 2016, and the next election of delegates from the Sub-Branches other than the Northern Region to be declared no earlier than 1 May 2018 and no later than 30 June 2018, and thereafter in accordance with Rule 8.
- 25.4 Should these rules come into effect before 1 February 2014, the next elections for delegates to Federal Council shall be held so that the result is declared no earlier than 1 June 2014 and no later than 25 August 2014 and thereafter in accordance with Rule 54B of Chapter C of the Federal Rules.
- 25.5 Should these rules come into effect before 1 February 2014, the next election for Federal Vice-President and Branch Representative shall be held so that the result is declared no later than 31 December 2014 and thereafter in accordance with Rule 55B of the Federal Rules.
- 25.6 Until the first elections in accordance with this rule are held and declared, management of the WAPOU Branch will be vested in the Executive of the Western Australian Prison Officers' Union.

26 - REGISTER OF MEMBERS

The WAPOU Branch shall keep a register of its members, showing their name and postal address, and shall keep all other records as are required by the *Fair Work (Registered Organisations) Act 2009* and the *Fair Work (Registered Organisations) Regulations 2009*.

END OF RULES