



RULES

CPSU, SPSF GROUP VICTORIAN BRANCH

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CPSU General Rules (Chapter A) Pages 1 – 16

The Community and Public Sector Union is a Registered Organisation under the Workplace Relations Act (Commonwealth). The CPSU Rules are made in accordance with the provisions of the Act. The CPSU is made up of two Groups, the PSU Group and the SPSF Group.

CPSU, PSU Group Rules (Chapter B) Page 17

The Public Sector Union Group's major area of coverage is in relation to Commonwealth Government employees. The PSU Group Rules have not been included in this reprint.

CPSU, SPSF Group Rules (Chapter C) Pages 18 - 70

The State Public Services Federation Group's major area of coverage is in relation to State Government employees.

CPSU, SPSF Group Victorian Branch Rules Pages 71 - 86

The State Public Services Federation Group Victorian Branch is one of the State Branches of the SPSF Group. SPSF Group Branches may make rules for their own operations provided that such rules are consistent with the Group Rules.

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The Victorian Branch Rules provide that the Victorian Branch Council may make By Laws for the regulation of the operations of the Branch, its officers and its employees.

This document is a reprint of the CPSU Rules prepared by the CPSU, SPSF Group Victorian Branch for the use of its officials and members.

It does not purport to be the Rules of the CPSU in their entirety or to be the official certified copy of the rules of the union.

CPSU General Rules (Chapter A)

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CPSU General Rules (Chapter A)

1 - NAME

The name of the Union is "CPSU, the Community and Public Sector Union".

2 - CONSTITUTION AND ELIGIBILITY FOR MEMBERSHIP

(This Rule, which describes the persons eligible to be CPSU members, has not been included in this reprint of the CPSU Rules. A copy is available from the union office on request.)

3 – DESCRIPTION OF INDUSTRY IN CONNECTION WITH WHICH THE ORGANISATION IS REGISTERED

(This Rule, which describes the industries in connection with which the CPSU is registered, has not been included in this reprint of the CPSU Rules. A copy is available from the union office on request.)

4 – OBJECTS

The object for which the Union is established are:

- (a) To provide a national Union representative of members and to uphold the rights and to improve, protect and foster the interests of those members.
- (b) To co-operate with, lend assistance to, obtain assistance from, and otherwise deal with for mutual benefit, registered or unregistered trade unions, industrial organisations, peak councils and other kindred organisations, and without limiting the generality of the foregoing, to enter into agreements with such bodies.
- (c) To provide a means for officers and members of the Union to be promptly advised of and consult together upon agreements, awards, decisions, disputes, rates and relativities affecting the industrial interests and welfare of members of the Union; and to afford opportunities for discussing other matters of common interest.
- (d) To obtain registration as an organisation of employees pursuant to the Act and any amendment thereof and by this means to bring into being and maintain in being a registered organisation of employees by which eligible members may be represented for the purposes of that Act.
- (e) To submit industrial disputes to conciliation and arbitration in accordance with the policy and procedures of the Act.
- (f) To seek and obtain or to oppose the making of Awards or Agreements by the Australian Industrial Relations Commission or by any successor to that body by whatever name called or by any State industrial authority as the interests of members may from time to time require.
- (g) To preserve to members the right of submission to Arbitration of claims in relation to wages, conditions of employment and other matters.

- (h) To protect and promote by all lawful means the welfare advancement and security of members of the Union.
- (i) To promote the mutual co-operation of members and constituent units of the Union.
- (j) To develop and implement strategies to ensure equality of opportunity for all members and to pursue the objects of the Union in an equitable manner.
- (k) To fix and vary from time to time entrances fees, contributions, levies or capitation dues payable by members or constituent units of the Union.
- (l) To raise funds by all lawful means for the furtherance of these objects and to give security for the repayment thereof and to establish funds for mutual assistance and support and for the object herein set forth.
- (m) To create, replenish, draw upon and make provision for a National Fund and for funds of constituent units to be operated in accordance with the Act in accordance with these rules.
- (n) Subject to the Act to purchase, sell, mortgage, lease, retain, develop, exchange or otherwise deal with all property both real and personal.
- (o) To elect, appoint, and employ officers and employees for the furtherance of the Union's Objects and to remunerate such officers and employees by salaries, wages, honoraria and other emoluments, including contributions to and financing of Superannuation Schemes, retirement, death or disability funds for the benefits of such officers and employees and to enter into such agreements as may be necessary for the carrying out of this purpose.
- (p) To dismiss or vary the terms of employment of such staff as may be necessary or convenient for the efficient administration of the Union.
- (q) To take steps under any law to advance or protect the rights of members in connection with their employment collectively or individually.
- (r) To maintain a Journal or co-operate with kindred organisations in maintaining a Journal to promote the objects of the Union.
- (s) To establish and/or support co-operative ventures generally.
- (t) To provide membership services such as education, insurance, medical and other financial services to advance the interests of members in these areas.
- (u) To assist members or constituent units by financial or other lawful means including the provision of legal assistance.
- (v) To amalgamate affiliate with or incorporate with other unions organisations or bodies having any objects in common with the Union or able to assist it in the attainment of any of its objects and to be represented thereon and to pay subscriptions and make donations thereto.
- (w) To make donations for bona fide charitable purposes.
- (x) To assist by the granting of scholarships and bursaries in the education of children of members.

- (y) To take such action as may be necessary proper or convenient to carry out the Objects of the Union.
- (z) To do all other acts provided for in these Rules.
- (aa) To formulate and carry into operation schemes for the industrial, social, intellectual and general advancement of members to consider matters affecting the general welfare of and take any action in connection therewith.
- (bb) To assist in the establishment and maintenance of a code of ethics, and standards of professional or other qualifications, training and performance, for appropriate members.
- (cc) To protect the interests of former members of the Union who are no longer eligible for membership and/or their dependents in respect to matters arising out of their employment during their membership of the Union.
- (dd) To promote scientific research and development and to protect associated funding arrangements.
- (ee) To enter into an agreement or other arrangement with each or any Associated Body pursuant to which the Union and that Associated Body mutually covenant and agree:
 - (i) to consult with each other, inform each other and keep each other informed about decisions taken or proposed to be taken by the other party which could reasonably be considered to affect that other party's interests;
 - (ii) to refrain from acting in a manner which may reasonably be considered to be damaging to the interests of the other party or the interests of the executive body of that party; and/or
 - (iii) to refrain from using their respective financial and other resources in any way which could reasonably be considered as intended to affect the outcome of any election held pursuant to the rules of the other party

PROVIDED THAT such Associated Body has the authority and power pursuant to its rules and objects to enter into such agreement or other arrangement and is not prohibited by law from doing so.
- (ff) To provided services for registered or unregistered trade unions, industrial organisations, peak councils and other kindred organisations; to receive payment from such bodies for the provision of such services; to receive services from such bodies and to pay such bodies for those services; and to enter into agreements with such bodies for those services; and to enter into agreements with such bodies to formalise any of the aforementioned arrangements.
- (gg) To obtain registration of the Union or of any Branch thereof as an industrial union or association of employees under the legislation of a State of the Commonwealth.
- (hh) To participate in any system or scheme of industrial conciliation and arbitration or for the prevention or settlement of industrial disputes or for the regulation of industrial affairs pursuant to the legislation of a State of the Commonwealth.

5 - DEFINITIONS

- (a) "Union" or "Amalgamated Body" means "CPSU, the Community and Public Sector Union";

- (b) "Act" means the Industrial Relations Act, 1988, as amended;
- (c) "Associated Body" or "Associated Body of the SPSF" means:
 - (i) Public Service Association of New South Wales,
 - (ii) State Public Services Federation (Victoria),
 - (iii) The Public Service Association of South Australia Incorporated,
 - (iv) The State Public Services Federation Tasmania,
 - (v) The Civil Service Association of Western Australian Incorporated,
 - (vi) The State Public Services Federation Queensland Union of Employees,
 - (vii) Professional Officers' Association of New South Wales,

or any successor thereto or reconstitution thereof by whatever name called.
- (d) "Groups" means the PSU Group and the SPSF Group as both defined in Chapter A Rule 13 of these Rules.
- (e) "PSU" means "the Public Sector, Professional, Scientific Research, Technical, Communications, Aviation and Broadcasting Union".
- (f) "SPSF" means "The State Public Services Federation".
- (g) "Amalgamation" means the amalgamation of the "Public Sector, Professional, Scientific Research, Technical, Communications, Aviation and Broadcasting Union" (the "PSU") and the State Public Services Federation (the "SPSF").
- (h) "Date of amalgamation" is the day fixed by the designated Presidential Member of the Industrial Relations Commission pursuant to Section 253Q(2) of the Industrial Relations Act, 1988 to be the date upon which the amalgamation is to take affect.
- (i) "NOC" means the National Officers Committee referred to in Chapter A Rule 17 of these Rules.
- (j) Unless otherwise expressly provided, the expressions "the Rules" or "these Rules" shall mean the Rules from time to time of the Union.

6 - REGISTERED UNION

- (a) The National Secretary shall be the registered officer of the Union and for the purposes of the Act the National Secretary shall be empowered to act on behalf of the Union and to sue and to be sued under that Act.
- (b) During the transitional period either Joint National Secretary shall be the National Secretary for the purposes of this Rules and either Joint National Secretary or any other official authorised by the National Officers Committee shall be authorised to notify the Australian Industrial Relations Commission of any industrial disputes to which the union

7 - SITUATION OF NATIONAL OFFICE

- (a) The Registered National Office of the Union shall be situated at Sydney in the State of New South Wales.
- (b) In addition to the Registered National Office, the Union shall establish and maintain such additional National Office premises and facilities as may be determined from time to time by the National Officers Committee.

8 - MEMBERSHIP

- (a) Applicants for membership of the Union shall be admitted to membership in accordance with the relevant Group Rules set out in Chapter B or Chapter C of these Rules as the case may be. In the event of any dispute or disagreement concerning the appropriate Group of the Union to which the applicant for membership should be admitted, the National Officers Committee shall determine the appropriate Group.
- (b) On the date of the amalgamation, persons who were, immediately before that day, members of the PSU and the SPSF shall on and from that day be members of the Union without payment of entrance fees and with maintenance of such rights and benefits as may have attached to their pre-amalgamation membership of the PSU or the SPSF, as the case may be.
- (c) On the date of the amalgamation, persons who were immediately before that day financial members of the PSU or of the SPSF shall on and from that day be financial members of the Union and members of the PSU Group and the SPSF Group respectively. Where, as at the date of amalgamation a person is entitled to financial member status within SPSF pursuant to the Registered Rules of the SPSF and by virtue of their having met their financial obligations to an associated body of the SPSF as defined, such person will be deemed to have the status of a financial member of the amalgamated Union for the balance of the period for which they have paid such membership fees in advance. Subject to the provisions of this Sub-Rule, following amalgamation the financial obligations of members of the PSU Group and SPSF Group shall be as provided in Chapter B and Chapter C of these Rules respectively.
- (d) Where a period of membership or financial membership is required under these Rules for eligibility to nominate for any office provided for under these Rules, membership (or financial membership) of the PSU and the SPSF shall be counted in the calculation of any period of membership so required.

9 - POWER TO ENTER BINDING AGREEMENTS

- (a) Subject to Rule 4, Objects, the Union may, by its officer duly authorised pursuant to these Rules, enter into binding agreements including agreements evidenced by formal Deed, executed under seal of the Union as provided in these Rules including agreements with any one or more of the Associated Bodies, as defined by these Rules.
- (b) Notwithstanding any other provisions in these Rules, the Union may, by resolution of the National Officers Committee, enter into any agreement with any registered or unregistered Trade Union, industrial organisation, peak council, employer, employer body or like organisation that is not contrary to law, and without limiting the generality of the foregoing, may enter into agreements in terms of Section 202 of the Industrial Relations Act, 1988 or any statutory provision amending, replacing or supplementing that provision.

10 - GROUPS

- (a) The Union shall consist of two Groups, namely the PSU Group and the SPSF Group.
- (b) The PSU Group shall consist of:
 - (i) All members who immediately prior to the date of amalgamation were members of the PSU;
 - (ii) All persons who are eligible to join the Union under Part I of Rule 3; and

- (iii) All members allocated to the Group by decision of the National Officers Committee.
- (c) All Branches and Divisions of the PSU existing immediately prior to the date of amalgamation shall be as and from that day Branches and Divisions of the PSU Group.
- (d) The SPSF Group shall consist of:
 - (i) All members who immediately prior to the date of amalgamation were members of the SPSF;
 - (ii) All persons who are eligible to join the Union under Part II of Rule 3; and
 - (iii) All members allocated to the Group by decision of the National Officers Committee.
- (e) All Branches and Sub-Branches of the SPSF existing immediately prior to the date of amalgamation shall be as and from that day Branches and Sub-Branches of the SPSF Group.
- (f) During the transitional period, the Group Rules of the PSU Group and the SPSF Group shall be those Rules set out in Chapter B and Chapter C respectively of these Rules.

11 - NATIONAL OFFICERS

There shall be:

- (a) Two Joint National Secretaries of the Union, such Offices being held ex officio by the National Secretary of the PSU Group and the Federal Secretary of the SPSF Group;
- (b) Two Joint National Presidents of the Union such Offices being held ex officio by the National President of the PSU Group and the Federal President of the SPSF Group;

- (c) In addition to the National Officers described in Sub-Rules (a) and (b) above, positions of National Officers Committee Member being held ex officio by the Senior Deputy National President of the PSU Group, Deputy National Presidents of the PSU Group, the Senior Federal Vice-President of the SPSF Group and the five Federal Vice-Presidents of the SPSF Group.

12 - DUTIES OF NATIONAL OFFICERS

- (a) The Joint National Secretaries shall summon and attend all meetings of the National Officers Committee and shall perform all such other duties as may be determined from time to time by the National Officers Committee.
- (b) The Joint National Presidents shall attend all meetings of the National Officers Committee and shall alternate (or otherwise by agreement between them) in the chairing of sessions of the National Officers Committee. When so doing, Joint National Presidents shall have the authority to preserve order and do all such things to preserve the orderliness and priority of the meeting. Upon the minutes being confirmed, a Joint National President shall sign the minute book in the presence of the meeting. A Joint Deputy National President shall, in the absence of a Joint National President, perform the duties of Joint National President.

13 - POWERS OF GROUPS

- (a) The powers to be exercised by the PSU Group shall be in accordance with Chapter B of these Rules subject always to the operation of any Rule in Chapter A of these Rules which provides the exercise of such power by the National Officers Committee (NOC) of the Union.
- (b) The powers to be exercised by the SPSF Group shall be in accordance with Chapter C of these Rules subject always to the operation of any Rule in Chapter A of these Rules which provides the exercise of such power by the National Officers Committee (NOC) of the Union.

14 - NATIONAL OFFICERS COMMITTEE (NOC)

- (a) There shall be a National Officers Committee which will be the National Committee of Management of the Union during the transitional period.
- (b) The NOC shall consist of 15 persons, who shall hold office as members of the NOC ex officio during the transitional period as follows:

<p><u>PSU GROUP POSITION</u> National Secretary National President Senior Deputy National President Deputy National President Assistant National Secretary</p>	<p><u>NOC POSITION</u> Joint National Secretary Joint National President Joint Deputy National President NOC Member NOC Member</p>
<p><u>SPSF GROUP POSITION</u> Federal Secretary Federal President Senior Federal Vice-President Federal Vice-President</p>	<p><u>NOC POSITION</u> Joint National Secretary Joint National President Joint Deputy National President NOC Member</p>

15 - POWERS OF NATIONAL OFFICERS COMMITTEE

The powers of the National Officers Committee shall be:

- (a) To manage and control the affairs of the Union;
- (b) To oversee the process of transition following the date of amalgamation until post transitional rules and post transitional structure commence their operation;
- (c) To determine both local and international affiliations of the Union;
- (d) To set a per capita levy payable to the National fund of the Union by the Groups subject to agreement of both Groups;
- (e) To determine from time to time the appropriate level of funds to be allocated to an Associated Body for the performance of such functions and the delivery of such services provided by the Associated Body for the benefit of the Union and its members in accordance with such agreements as may from time to time be made between the Union and the Associated Bodies;
- (f) To alter the Rules of the Union, other than the Rules of the SPSF Group Branches, providing always that alterations to the Rules which affect both Groups shall be subject to endorsement by each of the Groups and that alterations to the Rules which affect a single Group shall be subject to the endorsement of that Group;
- (g) To require Branches and Divisions to provide regular membership statistics and membership and distribution lists from both Groups;
- (h) To publish and distribute National promotional material, including a National Journal which shall be the official journal of the Union. Editorial control of the publications published pursuant to this Rule shall be exercised by the Joint National Secretaries;
- (i) To be responsible, through the Joint National Secretaries, for the operation of the Joint National Secretariat.
- (j) To determine its method of operation, including rules of debate and standing orders.
- (k) Subject to paragraph (f) to make amendments to these rules to provide for a Branch Committee of Management for a combined PSU Group and SPSF Group Branch in any State where this is recommended by each existing Group Branch in that State.
- (l) Where matters affect members of each Group to seek and obtain or oppose the making of Awards by the Australian Industrial Relations Commission or by any successor to that body by whatever name called as the interests of members may from time to time require; and to resolve industrial disputes and where necessary and appropriate submit industrial disputes to conciliation and arbitration with the policy and procedures of the Act.

16 - VOTING - NATIONAL OFFICERS COMMITTEE

- (a) Votes exercisable at meetings of the National Officers Committee shall be allocated as between the two Groups on the basis of one vote per one thousand financial members of the Union, or part thereof. The relevant date for calculation of the votes to be allocated pursuant to the provisions of this Rule shall be 31 December in the preceding year. In addition each Joint National Secretary shall exercise six votes.
- (b) When the number of votes to be allocated to each Group has been ascertained in accordance with the formula set out in Sub-Rule (a) of this Rule, the number of votes exercisable by each member of the NOC (or their proxies) shall be as follows: -
 - (i) PSU GROUP REPRESENTATIVES ON NOC

Each of the members of the NOC representing the PSU Group shall be entitled to exercise a vote calculated by dividing the total PSU Group vote allocated in accordance with the formula set out in Sub-Rule (a) of this Rule by the number of members of the NOC representing the PSU Group.

(ii) SPSF GROUP REPRESENTATIVES ON THE NOC

The Federal President and the Vice-Presidents of the SPSF Group representing the SPSF Group on the NOC shall exercise between them a total vote determined in accordance with the allocation of votes to the SPSF Group in the formula set out in Sub-Rule (a) of this Rule.

These votes shall be allocated between the Federal President and the Vice-Presidents in accordance with the following :

- (A) The number of branch financial members of the Branch from which the Federal President or Vice-President comes shall be expressed as a percentage of the total number of Group financial members.
 - (B) The total votes to be exercised by the Group shall be allocated to the Federal President and Vice-President in accordance with the percentages thus calculated, providing that any fractional remainder shall be first disregarded, but if any votes remain to be allocated they shall be allocated to the Federal President or Vice-Presidents in order of the size of the fractional remainders relating to each Branch, beginning with the largest.
- (c) A member of the NOC may appoint a proxy from the same Group and the person so appointed to hold the proxy may cast such vote or votes at a meeting of the NOC provided that a person who is a member of the NOC may hold and cast as proxy the vote or votes of one but not more than one other member of the NOC.
- (d) Where a member of the NOC is absent from a meeting of the NOC and has not appointed a person to act as proxy, the vote or votes exercisable by the absent member of the NOC shall be allocated evenly, for the meeting from which they are absent, among the remaining members of the NOC from the absent member's Group. This sub-rule shall also apply in the case of the absence from the meeting of a person who has been appointed as a proxy by a member of the NOC.

17 - MEETINGS OF NATIONAL OFFICERS COMMITTEE

- (a) The National Officers Committee shall meet not less than four times in each year.
- (b) Meetings of the NOC may be convened:-
 - (i) by a resolution of the NOC; or
 - (ii) by either of the Federal or National Executives or Councils of the National Groups; or
 - (iii) by the Joint National Secretaries acting together.
- (d) At meetings of the NOC a quorum will comprise a quorum of each of the Groups representatives or their proxies.
- (e) At meetings of the National Officers Committee observers may attend providing that they are authorised by a Joint National Secretary. Each Group shall determine its own observers at meetings of the NOC.
- (f) In addition to meetings of the NOC at which members are assembled at one location, meetings of the NOC may be conducted by telephone or other electronic hook-up and out of session voting may be conducted by post, facsimile or other forms of electronic communication.
- (g) In convening meetings of the NOC, the Joint National Secretaries shall give reasonable notice to all members of the NOC.

18 - NATIONAL PLEBISCITE

- (a) The National Officers Committee may obtain the opinion of members of the Union on any question by submitting it to a plebiscite of financial members.
- (b) Subject to paragraphs (c) and (d), the National Officers Committee shall, if requested in writing by ten percent of the financial members of the Union, obtain the opinion of financial members on any question by plebiscite.
- (c) A request for a plebiscite pursuant to paragraph (b) 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.
- (d) When a request is received pursuant to paragraph (b), it shall be submitted to the next meeting of the National Officers Committee. Should the question be agreed to the decision shall be put into effect forthwith. Should a meeting of the National Officers Committee not take place within 30 days of receipt of a request under the provisions of paragraph (b) then the matter shall be referred to members of the National Officers Committee under the provisions of subrule 20(f).
- (e) Should the question be determined in the negative by the National Officers Committee, it shall thereupon be referred to plebiscite of financial members, provided that the National Officers Committee may determine that several plebiscites shall be conducted by a single ballot of financial members.
- (f) The National Officers Committee shall prepare an objective statement of the arguments against the question to accompany the question and statement in support.
- (g) The arrangements for the taking of a plebiscite shall be made by the National Officers Committee at its expense.

- (h) The National Officers Committee shall appoint a National Returning Officer and such Assistant National Returning Officers and Scrutineers as it deems necessary. Branch Returning Officers and Assistant Returning Officers shall assist in the conduct of the plebiscite as directed by the National Returning Officer.
- (i) In a plebiscite, the National Returning Officer shall issue to each financial member with the ballot paper the statements prepared in accordance with paragraphs (c) and (f).
- (j) Voting by proxy shall not be permitted in a plebiscite.
- (k) The National Returning Officers shall arrange for the ballot to be counted and shall declare the final result of the ballot in writing to the Joint National Secretaries.
- (l) Any question put pursuant to any provision of this Rule shall be determined by a simple majority.
- (m) When a question is carried in the affirmative by plebiscite it shall be put in to effect forthwith.
- (n) No question submitted pursuant to paragraph (b) of this Rule, or a question substantially the same in substance or effect, shall be resubmitted to plebiscite within a period of two years from the declaration of a ballot, provided that this provision shall not preclude the National Officers Committee from submitting any question to plebiscite at any time.

19 - REMOVAL FROM OFFICE BY NATIONAL OFFICERS COMMITTEE

- (a) The National Officers Committee, if two-thirds of its members present and entitled to vote so decide, may at any time remove from office any member of the National Officers Committee who has: -
 - (i) Committed a substantial breach of the Rules.
 - (ii) Been found guilty of gross misbehaviour or gross neglect of duty.
 - (iii) Misappropriated the funds of the Union.
- (b) Any such person shall be given twenty-one days' notice in writing by registered post by the Joint National Secretaries, or such other members of the National Officers Committee as designated by the National Officers Committee, of the charge and of the time and place of the meeting at which the charge is to be dealt with, and shall be entitled to be heard on his or her own defence before any motion for removal is put.

20 - JOINT NATIONAL SECRETARIAT

- (a) There shall be a Joint National Secretariat created by the Joint National Secretaries acting in accordance with the directions of the NOC.
- (b) The Joint National Secretaries shall direct the Joint National Secretariat in relation to the provision by it of specialist expertise and assistance in relation to:
 - (i) The preparation of affirmative action plans;
 - (ii) Research;
 - (iii) Industrial negotiations and advocacy;

- (iv) Lobbying;
 - (v) International affiliations and commitments;
 - (vi) Library;
 - (vii) Information, technology, consultancy;
 - (viii) ACTU matters;
 - (ix) Promotional activities;
 - (x) Introduction of a common membership and financial system;
 - (xi) Introduction of an integrated planning approach;
 - (xii) National publication production;
 - (xiii) Membership services co-ordination;
 - (xiv) Other duties or functions allocated to the Joint National Secretariat by the NOC.
- (c) The Joint National Secretariat shall be funded by a per capita levy on each of the Groups.

The per capita levy will be set by the National Officers Committee. The total income from the per capita levy will amount to no more than 10% of total membership subscriptions.

Not later than 1 June preceding the commencement of each financial year, the Joint National Secretaries shall submit to the National Officers Committee for approval, a budget for the operation of the Joint National Secretariat for the coming financial year.

21 – GROUP MANAGEMENT STRUCTURES

The management structures of the PSU group and the SPSF Group shall be governed by the provisions of Chapter B and Chapter C of these Rules respectively provided that in the event of inconsistencies between those Chapters and Chapter A - General, of these Rules, the provisions of Chapter A shall prevail.

22 - ALLOCATION OF RESOURCES

Subject to the per capita levy payable pursuant to Rule 20 hereof payable by a Group pursuant to a decision of the National Officers Committee in accordance with Rule 15 hereof, the assets and resources held immediately prior to the date of amalgamation by the PSU and the SPSF respectively together with membership fees and other income received by the PSU Group and the SPSF Group respectively from the date of amalgamation shall be utilised specifically in representing and advancing the interests of members in each Group so that the assets and resources brought to the amalgamation by the PSU and income received by the PSU Group after amalgamation shall be utilised and managed by the PSU Group in accordance with Chapter B of these Rules and similarly the assets and resources brought to the amalgamation by the SPSF and income received by the SPSF Group after amalgamation shall be utilised and managed by the SPSF Group in accordance with Chapter C of these Rules.

23 - ALLOCATION OF RESOURCES - ASSOCIATED BODIES

- (a) In the event that during the Transitional Period any of the assets of an Associated Body, whether or not held by the Associated Body prior to the date of amalgamation, shall be transferred to the Union for any reason, then notwithstanding any contrary provision in the Rules such assets shall constitute part of the Branch Fund as referred to in Rule 46 of chapter C hereof of the State Branch of SPSF Group which represents members of the SPSF Group in the same State as the State in which that Associated Body is or was registered, incorporated or operates, so that such assets shall be managed and controlled by that State Branch in accordance with these Rules. Upon the expiration of the Transitional Period, any assets which were transferred by an Associated Body to the Union during the Transitional Period shall be dealt with as if the same has been transferred to the Union after the Transitional Period so that the provisions of paragraph (b) hereof shall apply thereto.
- (b) In the event that after the expiration of the Transitional Period any of the assets of an Associated Body, whether or not held by that Associated Body prior to the amalgamation, shall be transferred to the Union for any reason, then notwithstanding any contrary provision in the Rules such assets shall continue part of the Branch Fund of the State Branch of the Union which represents members in the same State as the State in which that Associated Body is or was registered, incorporated or operates, so that such assets shall be managed and controlled by that State Branch in accordance with these Rules.
- (c) Notwithstanding any other provision in the Rules to the contrary, neither this paragraph (c) nor paragraphs (a) or (b) of this Rule 23A shall be altered in any way (other than by being re-numbered or re-lettered or by deleting or amending a reference to another part of the Rules which has been deleted, re-numbered or re-lettered other than pursuant to a plebiscite of all financial members of the Union in which:
 - (i) during the Transitional Period a majority of not less than 2/3rds of the formal votes recorded in each and every SPSF Group Branch and in the PSU Group as a whole are in favour of such alteration; or
 - (ii) after the expiration of the Transitional Period a majority of not less than 2/3rds of the formal votes recorded in each and every Branch are in favour of such alteration.

24 - SEAL

The Common Seal of the Union shall be kept in the custody of a Joint National Secretary and shall not be affixed to any instrument without the authority of the National Officers Committee. When the use of the Common Seal is so authorised, it shall be accompanied by the signature of each Joint National Secretary or by the signature of one of the Joint National Secretaries together with the signature of one of the Joint National Presidents (or any person authorised by the NOC to act in their place).

25 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by the Union or by a Group within the Union unless the Committee of Management of the Union or of the Group as the case may be-

- (i) has satisfied itself –
 - (a) that the making of the loan, grant or donation would be in accordance with other Rules of the Union or of the Group as the case may be; and
 - (b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayments of the loan are satisfactory; and
- (ii) has approved the making of the loan, grant or donation.

26 - FINANCIAL YEAR

The financial year of the Union shall commence on 1 July and end on 30 June.

27 - STATEMENT OF ACCOUNTS

- (a) There shall be a full statement of accounts in respect of the financial affairs of the Union to the 30 June in each year.
- (b) Such statements shall be prepared by a Joint National Secretary designated to perform such task by the NOC and such designated Joint National Secretary shall be the Accounting Officer of the Union for the purposes of the Act and Regulations made thereunder.
- (c) The Accounting Officer shall have access to such records and be given such information from Officers of the Union as the Accounting Officer considers necessary for the profit preparation of such accounts.
- (d) When such accounts have been prepared, the Accounting Officer shall submit them to the Union Auditor and to the Joint National Presidents of the Union.
- (e) Within fourteen (14) days of the Auditor's Report on the accounts, the Accounting Officer shall forward copies of the accounts and the Auditor's Report to each member of the NOC and such accounts shall thereafter be distributed within the Union in such form as may be approved by the NOC.

28 - APPOINTMENT OF AUDITOR

The annual audit of the accounts of the Union shall be carried out by a duly qualified auditor appointed annually by resolution of the NOC.

29 - FUNDS AND PROPERTY

During the transitional period, the National funds and property of the Union shall consist of:

- (a) all real or personal property within the custody, control or management of the PSU Group as provided in Chapter B of these Rules and in accordance with Chapter A Rule 23 of these Rules;
- (b) all real or personal property within the custody, control or management of the SPSF Group under the provisions of Chapter C of these Rules and in accordance with the provisions of Chapter A Rule 23 of these Rules;
- (c) all real or person property within the custody, control or management of the National Officers Committee in accordance with Chapter A Rule 23 of these Rules.
- (d) Disbursements in regard to ordinary expenditure of that part of the National funds as described in subrule (c) of this Rule may be made against the authority of a resolution of the National Officers Committee or upon the recommendation of the National Secretary and the approval of the National President with a copy of any such approval to be provided to the Accounting Officer for inclusion in a statement of receipts and expenditure for the period in which it occurred, submitted to the National Officers Committee.
- (e) Payment of all accounts for expenditure authorised in accordance with subrule (d) of this Rule shall be made from such account as the National Officers Committee may from time to time direct by cheque signed by two persons, at least one of whom is a National Officer, and one of whom may be an employee authorised by the National Officers Committee, to sign cheques.

30 - INVESTMENTS

The funds and property held by the National Officers Committee shall be deposited in an appropriate bank account in the name of the Union or otherwise invested in such manner as the NOC may from time to time determine.

31 - EXPENDITURE

Money spent in furthering the Union's Objects shall be ordinary expenditure of Union funds.

32 - RECEIPT OF MONEYS

- (a) All moneys received by the National Officers Committee shall be promptly deposited in the appropriate Bank account.
- (b) All moneys drawn by the National Officers Committee shall be by cheque.

Schedule A

AGREEMENT DATED 24 AUGUST 1990 BETWEEN SPSF AND FMWU RELATING TO
COVERAGE OF GENERAL STAFF IN HIGHER EDUCATION

*(This Agreement has not been included in this reprint of the CPSU Rules. It is
available from the union office on request.)*

CPSU, PSU Group Rules (Chapter B)

*(The PSU Group Rules have not been included in this reprint of the CPSU Rules.
A copy is available from the union office on request.)*

CPSU, SPSF Group Rules (Chapter C)

1 - DELETED [see Chapter A Rule 1]

2 - INTERPRETATION

In this Chapter C

- A.** Unless the context otherwise requires:
- (i) Act means the Industrial Relations Act, 1988, as amended;
 - (ii) Regulations means the Regulations made under the Act;
 - (iii) the singular includes the plural and vice versa;
 - (iv) the masculine includes the feminine and vice versa.
 - (v) a reference in this Chapter to the "Rules" or "rules" is a reference to this Chapter of the Rules.
- B.** These rules shall be read subject to the provisions of the Act and the Regulations, such that:
- (i) unless the context otherwise requires, every rule or part thereof shall be read as limited by the provisions of the Act and Regulations; and
 - (ii) 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.
- C.** Council shall mean Federal Council and vice versa.
- D.** Executive shall mean Federal Executive and vice versa.
- E.** "Associated Body" shall mean:
- * Public Service Association of New South Wales
 - * State Public Services Federation (Victoria)
 - * The Public Service Association of South Australia Incorporated
 - * The State Public Services Federation Tasmania
 - * The Civil Service Association of Western Australia Incorporated
 - * The State Public Services Federation Queensland Union of Employees
 - * Professional Officer's Association of New South Wales
- or any successor thereto or reconstitution thereof by whatever name called.
- F.** 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.
- G.** A member who works in Higher Education shall mean a member employed in or by a University, College of Advanced Education, a Department of Technical and Further Education, a College or Institute of Technical and Further Education or are employed in or by any department, or part of a department or by any employer which the rules of the relevant Branch, or a resolution of the relevant Branch Council declares to be a Higher Education Body.
- H.** A member who works in Health shall mean a member employed in or by a public hospital, private hospital or other private health service, nursing home, public dental clinic, area health service or community health service or facility providing ancillary

patient services as determined by Branch Council, or are employed in or by any department, or part of a department or by any employer which the rules of the relevant Branch, or a resolution of the relevant Branch Council declares to be a Health Services Body.

- I. Unless otherwise expressly indicated reference in these rules to a Branch Councillor shall include both Branch Officers and Delegates to Branch Council.
- J. Unless otherwise expressly indicated reference in these rules to a Federal Councillor shall include both Federal Officers and Delegates to Federal Council.

3 - CONSTITUTION - DELETED [see chapter A rule 2]

4 - DESCRIPTION OF INDUSTRY - DELETED [see chapter A rule 3]

5 - OBJECTS - DELETED [see chapter A rule 4]

5A - DELETED [see chapter A rule 12]

6 - APPLICATIONS FOR MEMBERSHIP

- A. A candidate for membership shall make application to the Branch (or Branches) established in the State in which the candidate's employer is located and such application shall be made in the manner and subject to the conditions if any required by the rules of the Branch to which it is made. Subject to the provisions of the Act and Chapter A of these rules the Branch Council or Branch Executive shall have power to accept or reject any such application.

Where there is not a 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 subject to the provisions of the Act shall have power to accept or reject any such application.

- B. 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 and if requested shall complete and sign an application form for the Group's records.
- C. 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.
- D. No error omission or want of form in connection with any person's application for or admission to membership shall in itself invalidate membership and 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 his membership provided that Federal Executive may remove from the register the name of any person who has gained admission as the result of any irregularity provided further that any person so dealt with shall have a right of appeal to Federal Council.
- E. A Branch may refer an application for membership to the Federal Executive for decision. Where an application for membership has not been dealt with or accepted within three months from the date the application was received or where an application is rejected the applicant may appeal to the Federal Executive. Where such an application has not been dealt with or accepted within three months from the date the application was received by Federal Executive the applicant may appeal to Federal Council whose decision shall be final.

- F.** 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. 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.
- G.** Except as hereinafter provided a member shall be deemed to have become a member of the Union as from:
- (i) The date of admission as provided in the rules of the Branch to which the member is admitted in accordance with sub-rule (A) and sub-rule (F) of this rule; or
 - (ii) The date of receipt of the member's application at the office of the Branch to which the member is admitted in accordance with sub-rule (A) and (F) of this rule in cases where no provision as to date of admission is made in the rules of such Branch - whichever is applicable, provided in cases where an application is dealt with under sub rule (E) of this rule 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 provided further that if a decision favourable to the application is made the applicant's membership shall commence from the date the application was first received.
- H.** The Branch to which an application for membership is made shall inform each applicant for membership, in writing, of:
- (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the organisation.

6A - ADMISSION TO MEMBERSHIP - MEMBERS OF ASSOCIATED BODIES

- A.** Notwithstanding any other provision of these rules or of those of any Branch, 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.
- B.** 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.
- C.** No error omission or want of form in connection with any such person's application for or admission to membership shall invalidate membership under the rule.
- D.** A person shall be taken to have 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, provided that 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.

E. In respect of members of the Union who are also members of an Associated Body, the membership records of the Associated Body, at least in so far as those records show the names, addresses and dates of admission to membership of persons who are also members of the Union, 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 9.

F. (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.

7 - HONORARY LIFE MEMBERSHIP

A. 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.

B. 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.

C. 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 Rule 10, Rights of Members, by Rule 54, Election of Branch Officers and Council and Branch Delegates to Federal Council, and by Rule 57, Conduct of Elections.

8 - TERMINATION OF MEMBERSHIP

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

(ii) the 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 and shall be delivered to that officer.

- C.** A notice of resignation from membership of the Union takes effect:
- (a) where the member ceases to be eligible to become a member of the Union :
 - (i) on the day on which the notice is received by the Union; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (b) in other other case:
 - (i) at the end of two weeks after the notice is received by the Union; or
 - (ii) on the day specified in the notice;whichever is the later.
- D.** Any dues payable but not paid by a former member of the Union, in relation to a period before the member's resignation from the Union took effect, may be sued for 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 person mentioned in sub-rule B hereof 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 the last preceding sub rule.
- 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.

9 - REGISTER OF MEMBERS

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.

10 - RIGHTS OF MEMBERS

- A.** 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.
- B.** 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.

GOVERNMENT OF BRANCHES

11 - BRANCHES

- A. The Federal Council may form a Branch or Branches in any State of the Commonwealth of Australia. Each Branch shall at all times conform to the rules of the Union. Each Branch shall have full autonomy in matters affecting members of the Branch only and matters concerning the participation of the Branch in any State industrial conciliation and arbitration system. The Group shall not participate in the systems of conciliation and arbitration or of wages boards or like systems established under the law of a State except when and to the extent that the participation of the Group is requested by the Branch of the Group established in that State and where the Group so participates the Secretary of the Branch of the Group established in that State shall be the person to sue or to be sued under the law of the State in respect of any acts or omissions arising from that participation.
- B. If a rule of a Branch is inconsistent with any rule of the Union the latter shall prevail and the former shall to the extent of the inconsistency be void.
- C. Each Branch shall subject to the Act have power to constitute reform or dissolve sub-branches, section and local committees and to determine or vary their powers and duties. Members of any such sub-branch section or local committee shall at all times be governed by the rules of the Group and the Branch.
- D. Notwithstanding sub-rule (A) of this rule, if at any time the Federal Council or Federal Executive is of opinion that the rules of a Branch do not comply with the requirements of the Act Federal Council or Federal Executive may call on the Branch to bring its rules into conformity with the Act within a specified time. If at the end of the time specified the rules of the Branch have not been so altered Federal Council or Federal Executive may make such alterations to the rules of the Branch as will in its opinion bring them into conformity with the Act.
- E. No branch shall affiliate with, send delegates to, or be represented in any other manner on any national or international organisation body or meeting or any Branch chapter or section thereof by whatever name called without the prior consent of Federal Council or Federal Executive.
- F. No Branch or Sub-Branch shall affiliate with a political party unless;
 - (a) prior consent of the Federal Council has been given; and
 - (b) prior approval to the specific proposal for affiliation has been given by majority vote in a postal ballot of all financial members of the Branch or sub-Branch.

12 - CONSTITUTION OF BRANCH COUNCIL

- A. Each Branch Council shall consist of the Branch Officers and Delegates to the Branch Council.
- B. The rules of a Branch may specify the number of Delegates to the Branch Council. If they do not do so there shall be a Branch Representation Quota. In this case the rules of a Branch may specify a number which shall be the Branch Representation Quota, but if they do not do so the Branch Representation Quota shall be 500.
- C. The rules of a Branch may provide that the financial members of the Branch constitute a single electorate for the purpose of electing the Delegates to the Branch Council. In

this case there shall be a number of positions of Delegate reserved for members who work in Higher Education, and for members who work in Health.

If the rules of the Branch specify the number of Delegates to the Branch Council then each of the numbers of reserved positions shall be calculated by multiplying twice the number of financial members in the class concerned by the specified number of Delegates to the Branch Council and dividing the result by three times the number of financial members in the Branch.

If there is a Branch Representation Quota then each of the three numbers of reserved positions shall be calculated by dividing twice the number of financial members in the class concerned by three times the Branch Representation Quota.

In any of the above calculations any fractional remainder shall be disregarded. If the result of the calculation is zero then the number of reserved positions shall be one.

If in any election the number of members nominated from any of the classes for which a position is reserved is less than its number of reserved positions then for the purposes of that election the number of reserved positions shall be equal to the number of members nominated from the class.

- D.** The rules of a Branch may provide that the financial members of the Branch shall constitute three or more electorates for the purpose of electing the Delegates to the Branch Council and every financial member shall be included in one electorate (but not more than one).

In this case the rules of a Branch may define, or provide the means of defining, the electorates, provided that:

- (i) there shall be one or more electorates exclusively consisting of financial members who work in Higher Education and all financial members who work in Higher Education shall be included in those electorates, and
- (ii) there shall be one or more electorates exclusively consisting of financial members who work in Health and all financial members who work in Health shall be included in those electorates, and
- (iii) there shall be one or more electorates exclusively consisting of financial members who work in neither Higher Education nor Health (and all financial members who work in neither Higher Education nor Health) shall be included in those electorates, and

Unless it is necessary in order to comply with paragraphs (i), (ii) or (iii) an electorate shall not be established with less than the minimum size, the rules of the Branch shall provide a means of reviewing or redefining electorates if they fall below the minimum size.

If the rules of the Branch specify the number of Delegates to the Branch Council the minimum size shall be the number obtained by dividing the financial membership of the Branch by twice the specified number of delegates to the Branch Council, disregarding any fractional remainder.

If there is a Branch Representation Quota the minimum size shall be half that Quota, disregarding any fractional remainder.

- E.** If the rules of a Branch do not make provision for the election of Delegates to the Branch Council in accordance with either subrule C or subrule D of this Rule then there shall be three electorates for the purpose of electing the Delegates to the

Branch Council and every financial member shall be included in one electorate (but not more than one):

- . one consisting of the financial members who work in Higher Education;
- . one consisting of the financial members who work in Health;
- . one consisting of financial members who work in neither Higher Education or Health.

- F.** If there is more than one electorate in a Branch for the purpose of electing the Delegates to the Branch Council and the Rules of the Branch specify the number of Delegates to the Branch Council then the number of Delegates to be elected from each electorate shall be calculated by multiplying the number of financial members in the electorate by the number of Delegates to the Branch Council and dividing the result by the number of financial members in the Branch. Any fractional remainder shall be at first disregarded, but if any positions of delegate remain to be allocated they shall be allocated to electorates in order of the size of the fractional remainders, beginning with the largest. If the result of this calculation for any electorate is zero then the number of Delegates to be elected by that electorate shall be one, even if this results in the specified number of Delegates to the Branch Council being exceeded.
- G.** If there is a Branch Representation Quota then the number of Delegates to be elected by each electorate shall be one per quota, or uncompleted part of a quota, of financial members in the electorate.
- H.** In this rule a reference to "financial members" is a reference to financial members as at 31st December in the year preceding an election.

A Branch Secretary may as soon as practicable after the 31st December in each year but no later than the 28th February 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 that the number of financial members and their disposition is as stated therein. Notwithstanding anything in this rule to the contrary, the reference to "financial members" in sub-Rule "G" of this Rule in relation to any election conducted in 1992 by the Tasmanian Branch of the Group is a reference to financial members as at 1 May 1992.

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.

Any report provided under this subrule shall be forwarded by the Branch Secretary to the Federal Secretary forthwith.

- I.** Where a special sub-branch exists in a Branch and the rules of the Branch provide for the election of Delegates to Branch Council from the members of the special sub-branch, then sub-rules B to G inclusive shall apply to the election of Delegates to Branch Council by financial members who are not members of the special sub-branch and in those sub-rules all references to members shall be taken to refer to members who are not members of the special sub-branch and all references to the Branch shall

be taken to refer to that part of the Branch which is composed of members who are not members of the special sub-branch.

The election of Delegates to Branch Council from the members of the special sub-branch shall be by and from one electorate consisting of the financial members of the special sub-branch.

- J.** At every meeting of Branch Council the quorum necessary for the transaction of the business of the Branch Council shall be a majority of those entitled to attend and vote thereat or such other number or proportion as the rules of the Branch may provide.
- K.**
- (i) The rules of a Branch 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.
 - (ii) Where the rules of a Branch provide that a number of positions shall be reserved for women and a number reserved for men in an electorate then each of the numbers of reserved positions shall be calculated by multiplying twice the number of financial members in the electorate who are women or men as the case may be, by the number of delegates to be elected from the electorate and dividing the result by three times the number of financial members in the electorate. Any fractional remainder shall be disregarded. If the result of either calculation is zero then there shall be no reserved positions for either women or men, provided that where the rules of a Branch provide that the financial members of a Branch constitute a single electorate (other than the financial members allocated to a sub-Branch of that Branch) and the result of that calculation is zero, then the number of reserved positions shall be one.
 - (iii) Where a special Sub-branch exists in a Branch and the rules of the Branch provide for the election of Delegates to the Branch Council from the members of the special sub-branch then paragraph (i) of this sub-rule shall apply to electorates which do not include members of this special Sub-branch. The rules of the Branch may also make provisions for reserved positions for electorates which do not consist of members of the special Sub-branch.

13 - POWERS OF BRANCH COUNCIL

The affairs of each Branch shall subject to these rules be managed by a Branch Council which shall have power to control and manage the business and affairs of the Group in the State in which the Branch as it is established under rule 11A, subject always to these rules and to any lawful direction of Federal Council or Federal Executive and without limiting the generality of this power shall have power to:

- (i) Notwithstanding anything else contained in Chapter A, B or C of the rules of the Union other than rule 11B of Chapter C, make amend and rescind rules for the regulation and government of the Branch;
- (ii)
 - (a) Enroll in the Group any person whose employer (not being an employer excluded in Rule 2 of Chapter A of these Rules) 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;
 - (b) Refuse admission to any person in accordance with the provisions of the Act.

- (iii) Fix and from time to time vary the entrance fees and Branch union subscriptions payable by candidates for membership and members of the Group attached to the Branch provided that at no time shall Branch union subscriptions be less than the national union subscriptions or capitation dues;
- (iv) Impose levies on members attached to the Branch;
- (v) Remit entrance fees, subscriptions, levies fixed or imposed under this Rule;
- (vi) Disburse or authorise the disbursement of moneys from the Branch Fund for any purpose within the objects of the Union;
- (vii) Appoint or remove a Branch Returning Officer qualified to act in accordance with the Act to conduct any election for which a Returning Officer is required in connection with any Branch office in the Group;
- (viii) 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 Group;
- (ix) Fix and from time to time vary the salaries and allowances or honorariums payable to Branch officers and to confer on named officers or the holders of any named offices authority to employ retain and terminate the employment of such research clerical and other staff as shall be specified in a resolution of Branch Council conferring such authority on such terms as Branch Council or, if so decided by Branch Council, as such Branch officers shall see fit;
- (x) Subject to Rule 59 - Rights of Officers, 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 provided that any such person shall have a right of appeal to the Federal Council;
- (xi) Do all things necessary or convenient to the exercise of the foregoing powers.

13A - SPSF GROUP - BRANCH RULES

- A.** The Rules of Branches of the SPSF Group as at the date of amalgamation shall be the Rules as set out in Attachment 3 of the Scheme of Amalgamation (D no. 20010 of 1993). Notwithstanding anything else contained in Chapter A, B or C of the rules of the Union other than rule 11B of Chapter C, these Branch Rules may be amended or rescinded in accordance with the power of a Branch Council under Rule 13(i).

14 - MEETINGS OF BRANCH COUNCIL

- A.** Branch Council shall meet at least quarterly and at such other times as Branch Council or Branch Executive shall deem necessary and shall be convened by notice signed by the Branch President or failing him the Branch Vice-President or failing him the Branch Secretary.
- B.** The Branch President and Branch Secretary acting together shall have power to convene special meetings of Branch Council and to determine when where and for what purpose such meeting shall take place. At least seven (7) clear days notice of any such meeting shall be given to each member of Branch Council.

15 - BUSINESS OF BRANCH COUNCIL

- A.** Branch Council other than when meeting as a special meeting called for a specific purpose shall unless otherwise determined by Branch Council proceed to business in the following order -
 - 1. Minutes of previous Branch Council Meeting
Minutes of special meeting of Branch Council
 - 2. Roll Call
 - 3. Branch Secretary's report
 - 4. Accounts
 - 5. Industrial report
 - 6. Motions on notice
 - 7. General Business
 - 8. Date and venue of next Branch Council Meeting
- B.** Any item other than an addition to or amendment or rescission of any Branch rule may be placed on the agenda of any meeting of Branch Council by Branch Council, Branch Executive, Branch Officers or any Branch Councilor.

The Branch Secretary shall give each member of Branch Council not less than fourteen (14) days written notice of any such item of which he has received at least thirty (30) days notice and these items shall be treated as motions on notice.

- C.** If the Branch Executive desires Branch Council to consider any addition to or amendment or rescission of any Branch rule notice shall be given to the Branch Secretary at least thirty (30) days prior to the meeting of Branch Council at which the rule is to be considered specifying the new rule amendment or rescission sought and each member of Branch Council shall be given fourteen (14) days written notice by the Branch Secretary by prepaid registered post that such new rule amendment or rescission is to be considered by Branch Council.
- D.** Twenty per cent of the financial membership of the Branch may by signing requisition or requisitions in common form in that behalf require that a postal ballot of all financial members of the Branch be held on any question set out in the requisition. Upon receipt of a requisition or requisitions in common form from not less than twenty per cent of the then financial membership of the Branch the Branch Secretary shall at once request the Branch Returning Officer to hold a postal ballot of all financial members of the Branch. The Ballot shall be held so as to conclude within four weeks

of the date of the Branch Secretary's request. The result of the ballot shall, subject to these rules, bind all members of the Branch.

16 - CONSTITUTION OF BRANCH EXECUTIVE

- 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 thereat or such other number or proportion as the rules of the Branch may provide.

17 - POWERS OF BRANCH EXECUTIVE

Between meetings of Branch Council the management of the Branch shall be vested in a 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.

18 - MEETINGS OF BRANCH EXECUTIVE

Branch Executive shall meet at least quarterly between meetings of Branch Council and whenever required by the Branch President after consultation with the Branch Secretary.

19 - BUSINESS OF BRANCH EXECUTIVE

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.

20 - BRANCH OFFICERS

The Branch Officers shall be:

- the Branch President
- the Branch Vice President (or Vice Presidents if the rules of the Branch so provide)
- the Branch Secretary
- the Branch Assistant Secretary (or Assistant Secretaries if the rules of the Branch so provide)
- the Branch Treasurer (if the rules of the branch so provide)
- One or more Executive Councillors (if the rules of the Branch so provide)

Where the rules of a Branch provide for one or more Executive Councillors, the rules of the Branch may provide that one or more Executive Councillors represent a particular class or group of members.

21 - DUTIES OF BRANCH PRESIDENT

A. The Branch President shall:

- (i) Preside at all meetings of Branch Council and Branch Executive and sign the minutes thereof;
- (ii) 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;
- (iii) Exercise a deliberative vote only if he or she so desires at all meetings of Branch Council and Branch Executive;
- (iv) Ensure as far as possible that the rules of the Branch are performed and observed by officers and members of the Branch;
- (v) 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;
- (vi) Generally act to safeguard the reputation, unity, autonomy and property of the Branch.

B. The Branch President shall be an ex officio member of any committee of the Branch.

22 - DUTIES OF BRANCH VICE-PRESIDENT

The Branch Vice-President shall exercise all of the rights and perform all of the duties of the Branch President in the absence of the Branch President or whenever the Branch President requests or Branch Council or Branch Executive instructs him so to do.

23 - DUTIES OF THE BRANCH SECRETARY

A. The Branch Secretary shall:

- (i) Attend all meetings of Branch Council and Branch Executive and any committee of the Branch;
- (ii) Prepare and place before the Branch President and circulate in accordance with these rules an accurate agenda of the business to be transacted at each such meeting;
- (iii) Keep accurate minutes of the business transacted at each such meeting and circulate such minutes in draft where required by these rules and present a true copy of the minutes in each case to the subsequent meeting of the same body;
- (iv) Receive reply to file and report upon all correspondence requiring attention;
- (v) Receive and receipt enter up and bank forthwith to the credit of the Branch Fund all moneys proper to be paid thereto;
- (vi) Prepare and sign cheques drawn upon the Branch Fund in payment of accounts proper to be paid and ensure that each such cheque is countersigned by another Branch Officer and is in all respects in order;

- (vii) Keep proper books of account of the 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 Branch and submit same together with all books and vouchers or records required for audit to the Branch Auditor within twenty-eight (28) days of the end of the period to which it relates and present an annual balance sheet and statement of receipts and payments and income and expenditure together with the Branch Auditor's report thereon to the next ensuing meeting of the Branch Council or as Branch Council or Branch Executive may direct;
- (viii) Inform the Branch President of any matter affecting or likely to affect the Branch and report thereon to Branch Council and Branch Executive;
- (ix) Ensure that all matters required to be attended to by Branches of organisations of employees registered under the Act are attended to within the times and in the mode prescribed in the Act and the Regulations;
- (x) Sign any process or document proper to be signed on behalf of the Branch by an officer thereof and to appear or to authorise another to appear before any Court, Commission or Industrial Tribunal before which the Branch should be represented;
- (xi) Diligently and carefully carry out all the instructions of Branch Council and Branch Executive and report to Branch Council and Branch Executive thereon and see to the prompt circulation of all agendas notices and minutes by these rules required to be circulated and generally pursue by all lawful means the objects of the Union.

B. The Branch Secretary shall be an ex officio member of any Committee of the Branch.

24 - DUTIES OF BRANCH ASSISTANT SECRETARY

In addition to such duties as may be required of a Branch Assistant Secretary by the rules of a Branch the Branch Assistant Secretary shall assist the Branch Secretary to perform all of the duties of the Branch Secretary and in the absence of the Branch Secretary or whenever the Branch Secretary requests or Branch Council or Branch Executive instructs him to do so shall perform the duties of the Branch Secretary or such of those duties as may be specified in each request or instruction.

24A - BRANCH ASSOCIATES

- A.** 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:
- (i) retired persons who prior to retirement were members of the Union; or
 - (ii) widows or widowers of persons who prior to retirement or death were members of the Union or Associates of the Branch; or
 - (iii) trainee or cadet officers; or
 - (iv) students attending any recognised university or other tertiary institution and engaged in a course of study which would, upon its successful completion, render the student suitable for employment in any of the professions, callings or avocations followed by members of the Association;

- (v) a person eligible for Associate membership in an Associated body;
- (vi) such other persons as provided by the Branch Rules.

B. A Branch Council shall have power to:

- (i) fix and collect enrolment fees and subscriptions for Associates of the Branch;
- (ii) determine the conditions under which a person shall cease to be an Associate of the Branch;
- (iii) organise groups and committees of Associates, and provide administrative and financial support for their activities;
- (iv) provide for the participation of Associates in Provident or welfare Funds or other activities of or supported by the Branch;
- (v) 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 24A, paragraphs (i) to (v).

C. Enrolment as an Associate of a Branch shall not entitle a person to any of the rights of membership.

GOVERNMENT OF THE GROUP

25 - CONSTITUTION OF THE FEDERAL COUNCIL

A. The Federal Council shall consist of the Federal Officers and the following number of delegates elected from each Branch of the SPSF Group:

New South Wales Branch	11 delegates
Victorian Branch	5 delegates
South Australian Branch	5 delegates
Western Australian Branch	5 delegates
Tasmanian Branch	4 delegates
Queensland Branch	8 delegates

One delegate from the New South Wales Branch shall be elected by and from the members of the Branch Council who are members of the New South Wales Special Sub-Branch.

All other delegates shall be elected by and from the members of the Branch Council, excluding members of the Branch Council who are members of a special Sub-Branch, and in each Branch there shall be one position of Delegate reserved for members who work in Higher Education, one for members who work in Health and one for members who work in neither Higher Education nor Health. If in any election no member is nominated from any of the three classes then for the purposes of that election there shall be no reserved positions for that class.

B. Delegates from respective Branches and Special Sub-Branches shall be entitled to exercise votes upon any question to be decided by Federal Council in accordance with the provisions of this rule.

- (i) The total number of votes to be exercised between them by delegates from each Branch and Special Sub-Branch will be established each year, on the

basis that delegates from each Branch and Special Sub-Branch will be entitled to exercise between them one vote for each one thousand financial members [or any part thereof] belonging to the Branch and Special Sub-Branch as at 30 June in that year;

- (ii) Where there is a Special Sub-Branch delegates from the Branch and the Special Sub-Branch will each be entitled to exercise the total number of votes derived by using the formula in the preceding paragraph treating the Branch and the Special Sub-Branch as separate entities, and without double counting;
- (iii) In this rule "financial members" means those persons who are at 30 June in the relevant year:
 - (a) SPSF Group members duly admitted to membership in accordance with the rules of this Chapter; and
 - (b) financial members in terms of Rule 44 of Chapter C and who are financial members of the relevant Associated Body or of the relevant Branch, [provided that a person shall not be deemed to be a financial member if that person is more than three months in arrears in financial obligations to the Associated Body or Branch]; and,
 - (c) members in respect of whom the Branch or Special Sub-Branch has remitted national union subscriptions, capitation dues and levies to the Federal Secretary due under Rule 45 of Chapter C.
- (iv) Subject to [viii] below any change in the total number of votes to be exercised by the delegates from a Branch or Special Sub-Branch will take effect from 1 October each year.
- (v) Each Branch and Special Sub-Branch Secretary shall provide by 1 September each year an audited certification of the number of financial members of the Branch or Special Sub-Branch as at 30 June in that year.
- (vi) The Federal Secretary shall notify all Branch and Special Sub-Branch Secretaries by 30 September each year of the total number of votes to be exercised by delegates from each Branch and Special Sub-Branch from 1 October in that year.
- (vii) Where by 1 October the Federal Secretary has not received an audited certificate from the Branch or Special Sub-Branch in accordance with [v] the delegates from that Branch or Special Sub-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.
- (viii) If a new Branch or Special Sub-Branch is created the delegates from that Branch or Special Sub-Branch shall be entitled to exercise between them a total number of votes determined in accordance with this sub-rule, with this entitlement to commence upon the day after the Branch has completed actions to comply with any relevant provisions in the rules relating to the establishment of the Branch or Special Sub-Branch and the appointment or election of delegates to Federal Council.
- (ix) At any Ordinary or Special Meeting of Federal Council held after 1 July 1994 the delegates from a Branch or Special Sub-Branch will not be entitled to exercise any voting entitlement unless it has complied with Rule 45 of

Chapter C, or unless Federal Council determines, in respect of that meeting, that the delegates may exercise those voting rights. For the purposes of voting on such a proposed determination by Federal Council the delegates from such a Branch or Special Sub-Branch shall not vote, provided that such Branch or Special Sub-Branch shall be heard before the vote is put.

- C.** Each Branch 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 delegates, disregarding any fractional remainder.

Where the Delegates from a Branch are entitled to exercise a greater number of votes upon any question for decision by Federal Council than the number of votes assigned to those Delegates by this calculation, the additional votes shall be exercisable as follows:

- (i) Where there has been a ballot conducted for the election of persons to the office of Delegate to Federal Council 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 were received to require the conducting of a ballot for the office of Delegate to Federal Council the additional votes shall be exercised by Delegates to Federal Council from the Branch appointed for that purpose by the Branch Council, each such Delegate being allocated one additional vote.

- D.** Each Sub-branch Delegate shall be entitled to exercise the votes provided for the Sub-branch. The Sub-branch Delegates shall not be regarded as Branch Delegates and the Sub-branch votes shall not be regarded as Branch votes for the purpose of allocating votes under sub-rule C.

- E.** A Federal Officer who is not re-elected as a delegate to Federal Council shall be a non voting member of the Council and shall have all the rights and duties of a member of the Council except 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 nominate or be nominated as a Federal Officer or member of the Federal Executive.

- F.** The Federal Secretary, if not a delegate to Federal Council, shall be a non voting member of the Council and shall have all the rights and duties of a member of the Council except that they shall have no right to vote.

- G.** At every meeting of Federal Council a quorum shall be a number of delegates entitled to between them cast a majority of the votes entitled to be cast thereat.

25A (SPARE)

25B - DIRECTION OF BRANCH DELEGATES TO FEDERAL COUNCIL

- (a) For the purposes of these rules it shall be a Councillor's duty thereunder to vote or exercise the functions of a Branch Delegate to Federal Council in a manner which is consistent with a direction by the Branch which the Federal Councillor represents.

26 - POWERS OF FEDERAL COUNCIL

The affairs of the Group shall be governed by a Federal Council which subject to sub-Rule 29(E) shall be the supreme governing authority of the Group and shall have power to do all things necessary to achieve the objects of the Union and shall exercise all of the powers therein

conferred upon registered organisations of employees and without limiting the generality thereof shall have power to:

- (i) Recommend to the National Officers Committee, 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) Fix and from time to time vary the amount and mode of payment of capitation dues payable by Branches to the Federal Fund and in lieu thereof and from such time as it shall determine fix and from time to time vary the amount and mode of payment of national union subscriptions payable by candidates for membership and members of the Group;
- (iii) Impose per capita levies on Branches and fix from time to time the amount of other contributions from Branches for the purpose of maintaining the Federal Fund;
- (iv) Disburse or authorise the disbursement of moneys from the Federal Fund for any purpose within the objects of the Union;
- (iv) (a) Approve the affiliation of a Branch or sub-Branch to a political party, subject to Rule 11 sub rule F;
- (b) 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.
- (v) Appoint or remove a Federal Returning Officer, not being the holder of any other office in and not being an employee of the Union or of a Branch section or division of the Group;
- (vi) 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;
- (vii) Fix and from time to time vary the salaries and allowances or honorariums payable to the Federal officers of the Group and to employ, retain and terminate the employment of staff of the Group; provided that the authority under this paragraph in relation to staff may be conferred in whole or in part on named officers or the holders of any named offices upon such terms and conditions, if any, as Federal Council may include in the resolution conferring such authority;
- (viii) Resolve industrial disputes and where necessary and appropriate submit industrial disputes to conciliation and arbitration in accordance with the policy and procedures of the Act;
- (ix) Seek and obtain or oppose the making of Awards by the Australian Conciliation and Arbitration Commission or by any successor to that body by whatever name called as the interests of members may from time to time require;
- (x) Subject to Rule 59 - Rights of Officers, dismiss from office any person elected to an office within the Group 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 office;
- (xi) Rescind or vary any resolution made by the Federal Executive pursuant to Rule 31;
- (xii) Do all things necessary or convenient to the exercise of the foregoing powers.

27 - OFFICIAL JOURNAL

- A.** 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.
- B.** Any such official journal shall be circulated to members of the Group.

28 - MEETINGS OF FEDERAL COUNCIL

- A.** Federal Council shall meet at least annually.
- B.** Ordinary two yearly meetings of the Federal Council shall be held in October of 1988 and every second year thereafter provided that in 1992 such an ordinary two yearly meeting of Federal Council may be held either in the months of October or November or not later than 11 December, 1992.
- C.** Ordinary meetings of the Federal Council shall be held at such times and places as the Federal Council determines, provided that the Federal Council may by resolution authorise the Federal Executive or the Federal President and Federal Secretary acting together to determine any such matters.
- D.** Federal Executive by resolution in that behalf or the Federal President and Federal Secretary acting together shall have power to convene special meetings of Federal Council and to determine when, where and for what purpose such meetings shall be held.
- E.** Upon a request in writing made to the Federal Secretary by or on behalf of three (3) branches pursuant to a resolution of the Branch Council of each such branch requesting that a special meeting of Federal Council be convened to transact the business set forth in the said resolution the Federal Secretary shall convene a special meeting of Federal Council for a date not later than sixty (60) days from the date on which the request to the Federal Secretary was made.
- F.** At least thirty (30) days' notice of any meeting of Federal Council specifying the business of the meeting shall be given to each member of Federal Council and to each Branch Secretary by prepaid registered post addressed to the respective addresses appearing from the records of the Group.

29 - BUSINESS OF FEDERAL COUNCIL

- A.** On the assembling of the Federal Council the Federal President or in their absence, the most Senior Federal Vice-President present, or in the absence of the President and all the Federal Vice-Presidents, a delegate to Federal Council elected by the persons assembled for the meeting shall preside as Chair.
- B.** Federal Council shall unless otherwise determined by Federal Council proceed to business in the following order:
- (i) Hours of sitting and agenda
 - (ii) Roll call
 - (iii) Minutes of the previous Federal Council Meeting Minutes of Special Federal Council Meeting (if any)
 - (iv) Appointment of a Returning Officer
 - (v) Correspondence
 - (vi) Balance Sheet, Statement of Income and Expenditure and Auditor's Report
 - (vii) Federal Secretary's Report
 - (viii) Accounts
 - (ix) Branch Reports
 - (x) Rules - new rules, amendments and rescissions
 - (xi) Agenda items
 - (xii) General business
 - (xiii) Declaration of any result proceeding from insufficient nominations received to require a ballot for any of the offices of Federal President or Federal Vice-President, statement by Returning Officer regarding arrangements for a ballot in respect of these Federal offices for which more than one nomination has been received, and declaration of any ballot for any of these offices. (Any of the items under this paragraph may be dealt with by the Council as soon as the Returning Officer brings them to the notice of the Chair.)
 - (xiv) Consideration of order of seniority of Federal Vice Presidents
 - (xv) Venue of next ordinary two-yearly Federal Council Meeting.
- C.** Any item not requiring the exercise of Federal Council's powers under Rule 26 (i), 26 (ii) or 26(iii) may be placed on the agenda of any meeting of Federal Council by Federal Council, Federal Executive, any Federal Officer or any Branch.

Notice shall be given to the Federal Secretary at least forty-two (42) days prior to the date of such meeting. Each Branch Secretary and member of Federal Council shall be given at least thirty (30) days written notice by the Federal Secretary of such agenda items. A member of Federal Council who wishes Federal Council to consider any such matter not on the agenda for that matter may have such matter considered if the Council resolves to consider the matter by a resolution carried by an absolute majority of the votes exercisable at the meeting.

The requirements of this sub-rule as to notice shall be directory and not mandatory and the accidental or inadvertent omission to give the full notice required to any person entitled to same shall not of itself invalidate the proceedings of the Federal Council meeting at which such matter is considered.

- D.** Any items requiring the exercise of Federal Council's powers under Rule 26(i), 26(ii) or 26(iii) may be placed on the agenda of any meeting of Federal Council by Federal Council, Federal Executive, any Federal Officer or any Branch. Notice shall be given to the Federal Secretary not less than forty-two (42) days prior to the date of such meeting specifying the new rule, amendment or rescission sought or the resolution proposed.

Each Branch Secretary and member of Federal Council, shall be given not less than thirty (30) days' written notice by the Federal Secretary that such proposed new rule, amendment or other resolution is to be considered.

Nothing in this sub-rule shall prevent Federal Council dealing with a proposal to place such an item on the agenda of a further meeting of Federal Council or Federal Executive to submit such an item to a ballot under Rule 42 or to refer such an item for consideration by Branches.

Nothing in this rule shall be read as precluding the addition to or amendment or rescission of any rule by postal ballot of the members of Federal Council conducted in accordance with the requirements of Rule 42, Postal Ballot of Federal Executive and Federal Council.

- E.** Any three Branches may within ninety days (90) days of the rising of Federal Council or Federal Executive by resolution of their respective Branch Councils request a postal ballot of the whole of the financial membership of the Group on any decision of Federal Council or Federal Executive specified in that request and such decision shall thereupon be submitted to a postal ballot of the whole of the financial membership. Any such ballot shall be conducted by the Federal Returning Officer at the expense of all the Branches each of which shall forward to the Federal Returning Officer within two weeks of being so requested by the Federal Returning Officer a cheque for so much of the total expenses of the postal ballot as estimated by the Returning Officer as the financial members of each Branch bears to the total financial membership of the Group. The result of any such ballot shall be binding on the Federal Council or Federal Executive.
- F.** Within thirty (30) days of the rising of the Federal Council or Federal Executive, the Federal Secretary shall forward to each Branch and to each member of Federal Council a copy of the draft minutes of that meeting.

30 - CONSTITUTION OF FEDERAL EXECUTIVE

- A.** The Federal Executive shall consist of the Federal Officers and one Branch Representative from each Branch.
- B.** At every meeting of the Federal Executive a quorum shall be a majority of those entitled to attend and vote thereat.

- C. Each member of the Federal Executive shall have one vote.

31 - POWERS OF FEDERAL EXECUTIVE

- A. Between meetings of Federal Council the management of the Group shall be vested in a Federal Executive which shall be the committee of management of the Group. It shall have between such Federal Council meetings, subject to any direction or resolution of Federal Council, all the powers of the Federal Council with the exception of the powers conferred on Federal Council by paragraphs (i), (ii), (iii) and (iii)A of rule 26 or to hear appeals or 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 next subsequent meeting of Federal Council but shall unless and until such rescission or variation have full force and effect.
- B. Notwithstanding any other provision of these rules-
- (i) The Federal Executive can arrive at any decision within its powers by vote or meeting conducted by telephone or telephone hookup.
 - (ii) Any such vote shall bind the Group and/or members of the Group in the same way as any other vote or resolution of the Federal Executive.
 - (iii) Twenty-four hours notice of any such vote or meeting shall be given by or on behalf of the Federal President, the Federal Secretary or the Federal Executive Officer.
 - (iv) If possible, notification of the agenda of such vote or meeting of the Federal Executive shall be given to each member thereof by telegraph, telex, facsimile transmission or other means but failure to provide such agenda will not invalidate or otherwise affect such vote or meeting of the Federal Executive.
 - (v) Any resolution of Federal Executive arrived at by telephone or telephone hook-up may be rescinded or varied by Federal Council by means of a vote of the next subsequent meeting assembled or by majority vote of the votes exercised by Branch Delegates to Federal Council in a postal ballot conducted pursuant to Rule 42 of these rules provided that any resolution of Federal Executive made pursuant to this sub-rule shall have full force and effect unless and until such rescission or variation.
- C. Any member of the Federal Executive may request at a meeting that any question before the Executive be referred to Federal Council. Any such request shall be put to a vote in which the voting members present from each Branch shall be entitled to exercise between them the same number of votes as the Branch Delegates to Federal Council are entitled to exercise at a Federal Council Meeting. If the majority of voting members of the Executive 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. Where a question is referred to Federal Council as a result of such a vote the Federal Executive shall not seek to determine the question, and any purported determination of the question by the Executive shall be void and without effect.
- D. At any meeting or in any telephone or telephone hookup vote of Federal Executive held after 1 July 1995 the delegates from a Branch will not be entitled to exercise any voting entitlement unless the Branch has complied with Rule 45 of Chapter C, or unless Federal Executive determines, in respect of that meeting, or vote, that the delegates may exercise those voting rights. For the purposes of voting on such a

proposed determination by Federal Executive the delegates from such a Branch shall not vote, provided that such Branch shall be heard before the vote is put.

32 - MEETINGS OF FEDERAL EXECUTIVE

Federal Executive shall meet at least twice in each calendar year at a time and place to be determined by the Federal Executive. Special meetings of Federal Executive shall be convened:

- (i) Whenever Federal Executive so determines.
- (ii) Whenever two or more Branches by resolutions of their respective Branch Councils so request and such special meeting shall be held within 21 days of the receipt of the Federal Secretary of notice of the said resolutions.
- (iii) By decision of the Federal Secretary after consultation with the Federal President provided that such meeting shall not be held before a meeting which has previously been requested in accordance with paragraph (ii) of this sub-clause.

33 - BUSINESS OF FEDERAL EXECUTIVE

A. On the assembling of the Federal Executive, the Federal President or in their absence, the most senior Federal Vice-President present, or in the absence of the President and all the Federal Vice-Presidents a member of the Executive elected by the persons assembled for the meeting shall preside as Chair.

B. Federal Executive shall unless otherwise determined by Federal Executive proceed to business in the following order:

- (i) Hours of sitting and agenda
- (ii) Roll Call
- (iii) Minutes of the previous Federal Executive Meeting Minutes of Special Federal Executive Meetings (if any)
- (iv) Federal Secretary's Report
- (v) Correspondence
- (vi) Financial Report and Accounts
- (vii) Agenda items of which not less than fourteen days notice has been given under sub-rule (C) of this rule.
- (viii) General Business

C. Any item may be placed on the agenda of any meeting of Federal Executive by Federal Council, Federal Executive, Federal Officers or any Branch.

The Federal Secretary shall give each Branch Secretary and Member of Federal Executive not less than fourteen (14) days written notice of any such item of which he has received at least twenty one (21) days notice. The requirements of this sub-rule as to notice are directory and not mandatory and the accidental omission to give any notice required by this rule shall not itself invalidate any subsequent resolution of Federal Executive.

- D. Nothing in this sub-rule shall prevent Federal Executive dealing with a proposal to place such an item on the agenda of a further meeting of Federal Council or Federal Executive or to submit such an item to a ballot under Rule 42 or to refer such an item for consideration by Branches.

34 - FEDERAL OFFICERS

- A. The Federal Officers shall be the Federal President, five Federal Vice-Presidents, and the Federal Secretary.
- B. One position of Federal Vice-President shall be reserved for each Branch, except the Branch to which the President belongs. If no person is nominated from a Branch with a reserved position then that position may be filled by a candidate from any Branch.
- C. Where there has been a ballot conducted for the election of persons to the offices of Federal Vice-President the order of seniority of the Federal Vice-Presidents shall be the order of their election. Where no ballot was required the order of seniority of the Federal Vice-Presidents shall be fixed by agreement between the Vice-Presidents, advised in writing to the President or the chair of a Federal Council Meeting. If no agreement has been received by the time item (xiv) is reached the Federal Council may determine the order. If an election is declared between Federal Council Meetings and no agreement is advised to the President within one month of its completion the Federal Council may determine the order by postal ballot.

35 - DUTIES OF FEDERAL PRESIDENT

- A. The Federal President shall:
- (i) Preside at and conduct all meetings of Federal Council and Federal Executive and sign the minutes thereof;
 - (ii) In consultation with the Federal Secretary convene meetings of Federal Council and Federal Executive;
 - (iii) Exercise a deliberative vote only if he or she so desires at all meetings of Federal Council and Federal Executive;
 - (iv) Ensure as far as possible that the rules of the Union are performed and observed by officers and members of the Group;
 - (v) 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;
 - (vi) 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.

36 - DELETED

37 - DUTIES OF FEDERAL VICE-PRESIDENTS

- A. A Federal Vice-President shall exercise all of the rights and perform all of the duties of the Federal President in the absence or absence from duty as the case may require of the Federal President and any more senior Federal Vice-President or whenever the

Federal President requests or the Federal Council or Federal Executive instructs him to do so.

- B.** A Federal Vice-President in the absence or absence from duty as the case may require of the Federal Secretary and any more senior Federal Vice-President or whenever the Federal Secretary requests or Federal Council or Federal Executive instructs him to do so shall perform the duties of Federal Secretary or such of those duties as may be specified in such request or instruction.

38 - DUTIES OF THE FEDERAL SECRETARY

- A.** Subject to these rules the Federal Secretary shall:
- (i) Attend all meetings of Federal Council and Federal Executive and any committee of the Group;
 - (ii) Prepare and place before the Federal President and circulate in accordance with these rules an accurate agenda of the business to be transacted at each such meeting;
 - (iii) Keep accurate minutes of the business transacted at each such meeting and circulate such minutes in draft where required by these rules and present a true copy of the minutes in each case to the subsequent meeting of the same body;
 - (iv) Receive, reply to, file and report upon all correspondence requiring attention;
 - (v) Receive and receipt enter up and bank forthwith to the credit of the Federal Fund of the Group all moneys paid to the Group;
 - (vi) Prepare and sign cheques drawn upon the Federal Fund of the Group in payment of accounts proper to be paid and ensure that each such cheque is countersigned as required by the rules and is in all respects in order;
 - (vii) Keep proper books of account of the Group 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 Group and submit same together with all books and vouchers or records required for audit to the Federal Auditor within twenty-eight (28) days of the end of the period to which it relates and present an annual balance sheet and statement of receipts and payments and income and expenditure together with the Federal Auditor's report thereon to the next ensuing meeting of Federal Council or as Federal Council or Federal Executive may direct;
 - (viii) Inform the Federal President of any matters affecting or likely to affect the Group or any branch and report thereon to Federal Executive and Federal Council;
 - (ix) Ensure that all matters required to be attended to by organisations of employees registered under the Act are attended to within the times and in the mode prescribed in the Act and the Regulations;
 - (x) Sign any process or document proper to be signed on behalf of the Group by an officer thereof and to appear or to authorise another to appear before any Court Commission or Industrial Tribunal before which the Group should be represented;

- (xi) Sue or accept service of process on behalf of and in the name of the Group;
- (xii) Diligently and carefully carry out all the instructions of Federal Council and Federal Executive and report to Federal Council and Federal Executive thereon and see to the prompt circulation of all agendas notices and minutes by these rules required to be circulated and generally pursue by all lawful means the objects of the Union.

B. Where the duties, or the performance of any duty or duties under this rule is or are delegated by the Federal Secretary to any officer or employee of the Federation the Federal Secretary shall be responsible for ensuring that such duty or duties or delegations has or have been properly and diligently performed.

C. The Federal Secretary shall be an ex officio member of any Federal committee of the Group.

39 - DELETED

40 - DELETED

41 - PROXY VOTING ON FEDERAL COUNCIL AND FEDERAL EXECUTIVE

A. A Branch delegate to Federal Council or Branch representative on Federal Executive who is unable to be present at the whole or any part of a meeting of Federal Council or Federal Executive shall by writing or telegram delivered to the Federal Secretary appoint another delegate from the Branch or a financial member of the Branch Council of the Branch such delegate or representative represents to act as his proxy. A person appointing a proxy shall notify his Branch Secretary of the fact that such an appointment has been made. Provided that a proxy appointment shall not be made for the purpose of participation in a ballot for Federal Officers pursuant to Rule 55.

B. Each Branch Council may if it so decides confine the members of the Branch Council eligible for appointment as a proxy pursuant to this rule to such of the financial members of Branch Council as each Branch Council may by resolution appoint and may further provide for the order in which such persons shall be eligible for appointment as a proxy if willing to act to ensure as far as possible that such proxy will be representative of the Branch.

C. If no Branch delegate to Federal Council or financial member of Branch Council be found willing to act the Branch delegate or Branch representative or failing any appointment by such Branch delegate or Branch representative the Branch Council may appoint any financial member of the Group (including another delegate or representative from the same or different Branch) to act as proxy for the Branch delegate or Branch representative unable to be present.

D. A proxy delegate or proxy representative shall have all the powers of the person he represents but in exercising a vote he shall act in accordance with any direction of the person he represents.

E. The existing delegate or representative who is appointed a proxy delegate or Branch representative shall be entitled to exercise all votes exercisable by the person he represents in addition to any vote or votes he is entitled to exercise on his own behalf. No person shall act as a proxy delegate or proxy representative for more than one delegate or representative.

F. Deleted

42 - POSTAL BALLOT OF FEDERAL COUNCIL

- A. Any decision which under these rules may be made by Federal Council in meeting assembled (including without limiting the generality of the foregoing the addition to or amendment or rescission of any Federal Rule or Rules by Federal Council) may be made by post in accordance with this rule and any decision so made shall be valid and effectual for all purposes.
- B. A postal ballot shall be held whenever so decided by Federal Council, Federal Executive, the Federal President or Federal Secretary or whenever requested of the Federal Secretary by any two Branches and shall be conducted by the Federal Secretary.
- C. For the purpose of this rule each member of Federal Executive or Federal Council (as the case may be) shall be forwarded by pre-paid registered post or by telegram a copy of the question upon which that member's vote is required together with advice of the period in which the member is to record a vote being:
 - (i) If the question requires the exercise of Federal Council's powers under Rule 26(i), 26(ii) and 26(iii) not less than 30 days; and
 - (ii) In all other cases not less than 14 days.
- D. In any postal ballot of Federal Council, delegates shall be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for decision by Federal Council in meeting assembled.
- E. No decision by postal ballot shall be effective on any question unless within the time appointed by the Federal Secretary or Federal President in forwarding the question upon which the delegates votes are required:
 - (i) in the case of a postal ballot conducted as a result of a decision of Federal Council or Federal Executive no less than a majority of the total votes exercisable by delegates to Federal Council have been exercised thereon;
 - (ii) in the case of a postal ballot conducted following and in relation to a decision of Federal Executive made by telephone or telephone hook-up pursuant to Rule 31B, no less than a majority of the total votes exercisable by delegates to Federal Council have been exercised thereon;
 - (iii) in any other case no less than 75 percent of the total votes exercisable by delegates to Federal Council have been exercised thereon.
- F. This rule shall be construed liberally so as to facilitate its operation as a means of obtaining prompt decisions of Federal Council in matters in which it is or may be thought to be desirable to obtain decisions expeditiously and in matters in which a substantial degree of consensus is known or believed to exist among members of Federal Council.
- G. In any ballot of Federal Council held after 1 July 1995 the delegates from a Branch or Special Sub-Branch will not be entitled to exercise any voting entitlement unless it has complied with Rule 45 of Chapter C, or unless Federal Council determines in advance, in respect of that ballot, that the delegates may exercise those voting rights. For the purposes of voting on such a proposed determination by Federal Council the delegates from such a Branch or Special Sub-Branch shall not vote, provided that such Branch or Special Sub-Branch shall be heard before the vote is put.

42A - REGULARITY OF PROCEEDINGS

- A. Any body constituted under these rules may continue to function notwithstanding any vacancy thereon, provided the requisite quorum be present.
- B. No failure to give notice and no defect in any notice given calling any meeting of any body constituted under these rules shall invalidate the proceedings thereof unless such failure or defect results in the nonattendance of some member otherwise able and willing to attend.

Any such failure or defect may be waived by the member entitled to the notice before, during or after the meeting.

- C. All communications of whatsoever kind which the Group may send to any member or office holder under these rules may be sent to such member or office holder at the last address notified by him or her to the Group. Except as elsewhere provided herein any such communication may be sent by post or telegraph, telex, facsimile transmission or other similar means and in such case shall be deemed to have been received by him or her in the ordinary course of post or telegraph, telex, facsimile transmission or other similar means as the case may be.
- D. No decision or proceeding of any 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 if apart from such person the requisite quorum was present and the vote of such person did not determine the decision or the result of the proceeding and no objection to his or her presence or participation was taken at the time.

42B - INDUSTRY AND ADVISORY BODIES

- A. There shall be a Health Industry Body representing members who work in health. The Health Industry Body shall consist of the Health delegates to Federal Council from each Branch.
- B. There shall be a Higher Education Industry Body representing members who work in higher education. The Higher Education Industry Body shall consist of the Higher Education delegates to Federal Council from each Branch.
- C. Federal Council or Federal Executive may establish an Industry or Advisory Body for any class or group of members. For the purposes of this sub-rule an Industry or Advisory Body shall be constituted of at least one delegate from each of the Branches which has members in the specified class or group. Except in relation to Sub-Rules A and B of this Rule, the Branch delegates to an Industry or Advisory Body shall be determined from time to time by the Branch Council.

The Federal Secretary and the Federal President or their nominees shall be ex officio members of any Industry or Advisory Body.

- D. The activities of Industry and Advisory Body will conform to Union Rules and policy.
- E. An Industry or Advisory Body shall exercise such functions as may be delegated to it by the Federal Council or the Federal Executive in a minuted resolution concerning matters relating to the particular class or group of members for which the Body has been established.
- F. In addition to Sub-Rule E the Health and Higher Education Industry Bodies shall have an advisory role in relation to matters of policy and administration only affecting the particular interests of health and higher education members. The Health and Higher Education Industry Bodies shall have the right to present advice directly to the Federal Secretary, the Federal Executive and the Federal Council.

- G.** The duties of Industry and Advisory Body Delegates are:-
- (i) To represent their Branch on the Industry or Advisory Body.
 - (ii) To report to the Branch and the members which they represent the business and decisions of the Industry or Advisory Body meetings which they attend.
- H.** An Industry or Advisory Body shall meet in person and/or by post, facsimile, telephone conference or other electronic means, when so requested by the Federal Council, Federal Executive or the Federal Secretary. In addition, the Health and Higher Education Industry Bodies shall have a right to meet quarterly if they so determine and so notify the Federal Secretary.
- The Federal Secretary shall be responsible for convening meetings of Industry and Advisory Bodies.
- 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.
- I.** 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.
- J.** Industry and Advisory Bodies shall appoint their own Chair and Secretary.
- K.** 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.

42C - ACTU DELEGATES

- A. Providing they have remitted all monies due in accordance with Rule 45, each Branch shall be entitled to elect delegates to an ACTU Congress or Special Conference in accordance with the following formula:

$$\text{Number of Branch delegates} = \frac{a}{b} \times c$$

where:

"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.

- B. Any fractional remainder shall be at first disregarded, but if any positions of delegate remain to be allocated they shall be allocated to Branches in order of the size of the fractional remainders, beginning with the largest.
- C. Branch ACTU delegates shall be determined by the Branch Councils and the names of such delegates shall be notified to the Federal Secretary.
- D. The Group's delegation will be bound by decisions of:
- (a) The Federal Council.
 - (b) Meetings of delegates to the ACTU Congress/Special Conference in respect of matters before such Congress/Special Conference, provided that such decisions shall not bind the Group.
- E. Each Branch shall be entitled to forward to the Federal Secretary such items as they feel appropriate for submission to the ACTU Congress/Special Conference and subject always to these rules and Union policy, the Federal Secretary shall forward such items in accordance with the requirements of the ACTU.

ADMINISTRATION OF THE GROUP

43 - FEDERAL FUND

- A. There shall be a fund to be known as the Federal Fund which shall be managed and controlled in accordance with rules relating to the Union as a whole -The Federal Fund shall consist of –
- (i) 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.
 - (ii) Capitation fees paid by a Branch.
 - (iii) The national union subscription paid by each member

- (iv) Levies paid by a Branch.
 - (v) Any interest, rents dividends or other income derived from the investment or use of the Fund.
 - (vi) 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.
 - (vii) 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.
 - (viii) Any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund, and
 - (ix) The proceeds of any disposal of parts of the Fund.
- B.** Federal Council or Federal Executive may by resolution from time to time authorise the disbursement of moneys standing to the credit of the Federal Fund for the achievement of the objects of the Union and for its administration.
- C.** Except as provided in sub-rule E hereof, cheques and other instruments drawn against funds deposited to the credit of the Federal Fund with banks or other financial institutions shall be signed by the Federal Secretary, or in the absence of that officer, by the Senior Federal Assistant Secretary together with one other person who is either a member of the Federal Executive or a member of Federal Council appointed by Federal Council or by the Federal Executive for the purpose of signing cheques and other such instruments.
- D.** Whenever pursuant to its powers under Rule 26 (vii) of these rules the Group employs a Federal Executive Officer, that person shall be authorized to execute any instrument application or other document other than documents required by or provided for in the Act or Regulations. He may also sign cheques in the circumstances specified in sub rule E of this rule.
- E.** For the purposes of the general administration of the Group including payment of salaries, honoraria, travelling expenses, payroll deductions, Federal and State taxes, rates, rent, interest on loans, accounts for stationery, printing, hire of premises for meetings, legal costs and disbursements, transcript, telephone, telegraph, telex and postal services and expenses of like kind reasonably incidental to the general administration of the Group the prior authority of Federal Council or Federal Executive shall not be necessary before such cheques are signed or accounts paid and cheques for payment in relation to such matters shall be signed by,
- (i) the Federal Secretary, Senior Federal Assistant Secretary, Federal Assistant Secretary or the Federal Executive Officer; and
 - (ii) a second of those persons or any person who is either a member of the Federal Executive or a member of the Federal Council appointed by Federal Council or by the Federal Executive for the purpose of signing cheques and other such instruments.
- F.** Where under this rule the Federal Executive Officer is a signatory to a cheque then the duties specified by Rule 38A(vi) shall be performed by the Federal Executive Officer.

44 - ENTRY FEES, SUBSCRIPTIONS, LEVIES AND OTHER FEES

- A. The entrance fees, subscriptions, levies and other fees payable by members of the Group shall be paid to the Secretary of the Branch to which the member belongs.
- B. The entrance fees, subscriptions, levies and other fees payable by members of the Group may be paid:
- (i) at the office of the Branch;
 - (ii) to a collector authorised by the Branch Secretary;
 - (iii) by an authority for deduction from salary and payment to the Branch Secretary;
 - (iv) by an authority for deduction from salary in accordance with an agreement between his employer and the Group or the officers of his Branch whereby the employer agrees to deduct subscriptions from the salary of candidates for membership or members and to pay the same into a bank account in the name of the Branch of the Group or to the Branch;
 - (v) by an authority for deduction from salary of an amount equivalent to or greater than the amount payable by such members as entrance fee, subscriptions, levies and other fees to the Group under these Rules in accordance with an agreement between the member's employer and an Associated Body whereby the employer agrees to deduct subscriptions from the salary of candidates for membership or members of an Associated Body and to pay the same into a bank account in the name of the Associated Body or to the Associated Body, where there is an agreement between the Group and the Associated Body providing for the payment by the Associated body to the Group from the moneys received in this way of the amount of the entrance fees and subscriptions payable by the members to the Group. Provided that as and from the date of the amalgamation between SPSF and PSU any such agreement with an Associated Body shall operate to give an authorising member financial status in the amalgamated Union only where the agreement requires payment in full by the Associated Body to the amalgamated union, the entrance fees and subscriptions payable under the Rules of the amalgamated body;
 - (vi) by an authority in accordance with an arrangement approved by the Group or the officers of his Branch providing for payments by instalments deducted from a bank, building society, credit union or similar account at monthly or more frequent intervals.
 - (vii) By an authority providing for payments by instalments (being for an amount equivalent to or greater than the amount payable by such members as entrance fees, subscriptions, levies and other fees to the Union under these rules) deducted from a bank, building society, credit union or similar account at monthly or more frequent intervals and paid into a bank account in the name of the Associated Body or to an Associated Body 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 in this way of the amount of the entrance fees and subscriptions payable by the members to the Union;
 - (viii) By payment to an Associated Body of an amount equivalent to or greater than the amount payable by such members as entrance fees, subscriptions, levies and other fees to the Union under these rules where there is an agreement between the Union and the Associated Body providing for the

payment by the Associated Body to the Union from the monies received in this way of the amount of the entrance fees and subscriptions payable by the members to the Union.

- C. Each Branch Secretary shall receive and deal with such moneys at all times in accordance with these rules.
- D. All such moneys shall be forthwith deposited by the Branch Secretary to the credit of an account in the name of the Branch of the Group maintained with a bank or a financial institution of a type which has been approved by Federal Council as being appropriate for the investment of the Group's funds.
- E. All subscriptions shall be paid in advance.

If an authority as provided for by this Rule is in effect for the deduction of a member's subscription from salary by arrangement with the appropriate employer then the member's subscription shall fall due by installments in the first day of each pay period.

If a member has entered into an arrangement as provided for by this rule providing for payment of subscription by installments deducted from a bank, building society, credit union or similar account, at monthly or more frequent intervals then the member's subscription shall fall due by installments on the first day of each payment period.

In all other cases subscriptions shall fall due by quarterly installments on the 1st January, 1st April, 1st July and 1st October.

Where an authority as provided for by this rule for deduction from salary or an arrangement for deduction from an account ceases for any reason to be effective then the balance, if any, of the subscription for the current quarter shall become due immediately.

- F. 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.
- G. A member whose payments of entrance fees, subscription, levies or fines are not more than three months in arrears shall be a financial member.

45 - SUBSCRIPTIONS, CAPITATION DUES AND LEVIES

- A. Each Branch shall remit to the Federal Secretary national union subscriptions fixed by Federal Council and paid by members. Such remittance shall be made by the end of each month in respect of national union subscriptions paid in the preceding month.
- B. Each Branch shall remit to the Federal Secretary capitation dues fixed by Federal Council. Such payments shall be made for the preceding quarter by 30 September, 31 December, 31 March and 30 June.
- C. Any levy imposed by Federal Council or Federal Executive shall be expressed as an amount per member and shall be paid by the Branches within three months of the decision of Federal Council or Federal Executive being communicated to them and shall be recovered by each Branch as a debt due by each member of that Branch at the date when the levy was imposed.
- D. Federal Council may approve variations to the dates by which payments are to be made as required by sub-Rules A,B and C for the purpose of giving effect to any 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.

46 - BRANCH FUND

- A.** Each Branch shall have a fund of the particular Branch which shall be known as the Branch Fund and which shall be managed and controlled in accordance with rules of that Branch.
- B.** A Branch Fund shall consist of -
- (i) 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;
 - (ii) 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;
 - (iii) Any interest rents or dividends derived from the investment or use of the Fund;
 - (iv) Any superannuation or long service leave fund operated or controlled by the Branch for the benefit of its officers or employees;
 - (v) 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;
 - (vi) Any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund; and
 - (vii) The proceeds of any disposal of parts of the Fund.
- C.** Rules relating to a Branch Fund shall not be altered except with the consent of the Branch concerned.

47 - AUDIT OF FEDERAL AND BRANCH FUNDS

- A.** The Federal Fund and each Branch Fund and any other account proper to be maintained by the Group or a Branch shall be audited at least yearly by a competent person.
- B.** The Group and each Branch shall appoint bi-annually a competent person as its auditor and shall make provision for that auditor to have full and complete access to all its books and documents.
- C.** For the purpose of this rule "competent person" means a person qualified to exercise the duties of Auditor in accordance with the requirements of the Act.

48 - LOANS, GRANTS AND DONATIONS BY THE GROUP OR BY ANY BRANCH

- A.** A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Group or any Branch thereof unless the committee of management of the Group or of the Branch as the case may be -
- (i) has satisfied itself -
 - (a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union or of the Branch as the case may be; and

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

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

49 - REGISTERED OFFICE

- A. The office of the Group shall be at such address as the Federal Council in accordance with these rules shall from time to time resolve.
- B. The office of each Branch of the Group shall be at such address as the Branch Council in accordance with these rules shall from time to time resolve.

50 - COMMON SEAL - DELETED [see chapter A rule 26]

51 - MODE OF EXECUTION OF DOCUMENTS

Documents not required to be under seal of the Union may be executed on behalf of the Group by the Federal Secretary, or other Federal Officer, whose signature shall be attested by one other Federal Officer and any such documents so executed shall be and be deemed to be executed on behalf of the Group and with its authority.

52 - 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.

ELECTIONS

53 - RETURNING OFFICER

- A. Every election to an office within the Group shall be conducted by a returning officer not being the holder of any other office in, and not being an employee of, the Union or of a Branch section or division of the Group.
- B. The Federal Returning Officer shall be appointed by and shall hold office at the pleasure of the Federal Council and shall be appointed from persons qualified to exercise the duties of Returning Officer in accordance with the requirements of the Act.
- C. Each Branch Returning Officer shall be appointed by and shall hold office at the pleasure of the Branch Council and shall be appointed from persons qualified to exercise the duties of Returning Officer in accordance with the requirements of the Act.
- D. A casual vacancy in the office of returning officer may be filled in the case of the Federal Returning Officer by appointment by Federal Executive and in the case of Branch Returning Officer by appointment by Branch Executive where such appointment is necessary to avoid delay in the holding or in the completion of an election provided that any person so appointed shall not be the holder of any other office in and shall not be an employee of the Union or of a Branch section or division of the Group.

- E. If there is a vacancy in the office of Federal Returning Officer the duties of the Returning Officer may be carried out by a person appointed by the Federal Executive to carry out the duties of Returning Officer or in default of such appointment by a person appointed by the Federal Secretary to carry out such duties in either case being a person not being the holder of any other office in and not being an employee of the Union or of a Branch section or division of the Group.
- F. If there is a casual vacancy in the office of Branch Returning Officer the Federal Returning Officer may be asked by the Branch Secretary to conduct the ballot or failing him a person appointed by the Branch Executive to carry out the duties of Branch Returning Officer or in default of such appointment by a person appointed by the Federal Secretary to carry out such duties provided that no person so appointed shall be the holder of any other office in or be an employee of the Union or of a Branch section or division of the Group.

54A - ELECTION OF BRANCH OFFICERS AND DELEGATES TO BRANCH COUNCIL

- A. Each Branch shall elect a Branch Secretary four-yearly by secret postal ballot of the whole of the financial membership of the Branch. The persons eligible to accept nomination shall be:
 - (i) All financial members of the Branch;
 - (ii) 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;
 - (iii) Employees of the Union if the Branch rules so provide;
 - (iv) Employees of an Associated Body established in the same state as the Branch in which the election is to be held if the Branch rules so provide.
- B. Each Branch shall elect one or more Branch Assistant Secretaries four-yearly by secret postal ballot of the whole of the 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 an Associated Body established in the same State as the Branch in which the election is to be held.
 - (iii) Employees of the Union if the Branch rules so provide; and
 - (iv) Employees of an Associated Body established in the same State as the Branch in which the election is to be held if the Branch rules so provide.
- C. Each Branch shall elect a Branch President, one or more Vice Presidents and if there are such Officers in the Branch a Branch Treasurer and one or more Executive Councillors.

The rules of a Branch may provide that any of these offices shall be elected:

 - (i) Two yearly by secret ballot by and from the Delegates to Branch Council, or
 - (ii) If the Branch Council is elected four yearly, four yearly by secret ballot by and from the Delegates to Branch Council, or

- (iii) Four-yearly by secret postal ballot of the whole of the financial membership of the Branch.

In all other cases the election shall be two yearly by secret postal ballot of the whole of the financial membership of the Branch.

Where the election is by secret postal ballot of the whole of the 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 an Associated Body established in the same state as the Branch in which the election is to be held.

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 of such Executive Councillor or Executive Councillors to represent a particular class or group of members shall be two or four yearly as provided by the rules by secret postal ballot by and from one electorate consisting of the financial members of the particular class or group of members.

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, then sub-rule C shall apply to the election of other Executive Councillors, if any, by financial members who are not members of the particular class or group of members and in that sub-rule all references to members shall be taken to refer to members who are not members of the particular class or group of members.

- D.** Each Branch shall elect the Delegates to Branch Council by secret postal ballot of the whole of the financial membership of the Branch. The rules of a Branch may provide that the election shall be four yearly. In all other cases the election shall be two yearly. 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 an Associated Body established in the same state as the Branch in which the election is to be held.

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 mentioned in paragraph (ii) of this sub-rule who would meet the other requirements for inclusion in the electorate if they were financial members.

- E.** Each election under this rule shall be conducted so that the result is declared not earlier than the first of May and not later than the 30th June in each even-numbered year.

- F.** Nominations for elections under this rule shall when necessary be called by such means as will give reasonable notice to those persons eligible to accept nomination to any such office at least fourteen (14) days prior to the date on which nominations close. Publication by notice in a daily newspaper circulating in the State or States in which members reside shall be deemed to be reasonable notice. Nominations shall be called by the Branch Returning Officer who shall fix the date on which nominations close and the dates between which the ballot if any shall be conducted.

- G. Nominations shall be in writing and shall be signed by the person accepting nomination and two members of the Branch proposing them and specifying the office or offices for which they are being nominated.
- H. Where a special sub-branch exists in a Branch and the rules of the Branch provide for the election of a Branch Assistant Secretary from the special sub-branch, then sub-rules B and D to G inclusive shall apply to the election of other Assistant Secretaries by financial members who are not members of the special sub-branch and in those sub-rules all references to members shall be taken to refer to members who are not members of the special sub-branch and all references to the Branch shall be taken to refer to that part of the Branch which is composed of members who are not members of the special sub-branch.
- I. Where any office is to be elected by and from the Delegates to Branch Council then Sub-rules E, F and G of this rule shall not apply to that election. Sub-rules B to I inclusive of Rule 54B shall, mutatis mutandis, apply to that election.

54B - ELECTION OF DELEGATES TO FEDERAL COUNCIL

- A. Each Branch shall elect delegates to Federal Council two-yearly by secret ballot of the members of the Branch Council.

The persons eligible to accept nomination for election as delegate to Federal Council shall be the members of the Branch Council.
- B. Each election under this rule shall be conducted so that the result is declared not earlier than the 1st of June and not later than the 25th of August in each even-numbered year.
- C. Nominations for election of delegates to Federal Council shall be called by notification of all members of the Branch Council at least 14 days prior to the first meeting of the Branch Council after each two-yearly election of delegates to Branch Council. Nominations shall be called for by the Branch Returning Officer or a person appointed in accordance with Rule 53F of these rules.
- D. Nominations shall be in writing and shall be signed by the member of the Branch Council accepting nominations, and by two other members of Branch Council proposing the member and specifying that they are being nominated as a Delegate to Federal Council.
- E. Nominations shall close at 6pm on the first day of each Branch Council meeting at which an election is necessary. The Returning Officer shall advise Council at the opening of the Council meeting of the nominations received by him at that time. If the Returning Officer conducting the election finds nominations to be defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect before the election, but if not practicable because of the absence from the Branch Council of a member of Branch Council who had nominated or purported to nominate the person (there being no other member of the Branch Council who is prepared to nominate the person), or for other good cause shown to the satisfaction of the Returning Officer, within 7 days after the person's being so notified.
- F. If the number of valid nominations received does not exceed the number of delegates to be elected in accordance with these rules the Returning Officer shall declare those persons elected.

- G.** If the number of valid nominations received exceeds the number of delegates to be elected the Returning Officer shall forthwith subject to the provisions of this rule dealing with absent voting, proceed to hold a secret ballot of the whole of the membership of Branch Council in accordance with these rules. The Returning Officer shall declare the result of such ballot immediately the counting of votes is concluded.
- H.** For the purpose of nomination or voting in any election under this rule the register of members of the Branch Council shall be deemed to have closed at 6 p.m. on the first day of each Branch Council meeting at which the election is necessary, and only those members whose names appear on the register at the time shall be eligible to nominate or to be nominated or vote in such elections.
- I.** Any member of the Branch Council who will not be present at the meeting at which an election for delegates to Federal Council is to be held may prior to the close of nominations lodge with the Returning Officer or Branch Secretary a request for an absent vote in respect of the election, which request shall specify the address where the absent vote may be delivered. Where it is not possible to complete the election at the relevant meeting of Branch Council because of the request for, and issue of, an absent vote, the Returning Officer shall not count any votes or declare the result of the election until the member or members to whom absent votes have been issued have had such reasonable opportunity to vote as is determined by the Returning Officer. In any case where it is not practicable to hold the election at the meeting of Branch Council because of the right of a candidate to remedy the defect in terms of sub-Rule E hereof, such election shall be carried out as a secret postal ballot of all members of Branch Council.
- J.** Where a special sub-branch exists in a Branch and the rules of the Branch provide for the election of a Branch Delegate to Federal Council from the special sub-branch, then:
- (i) sub-rules A to I inclusive shall apply to the election of other Delegates to Federal Council from the Branch and for the purpose of that election all references in those sub-rules to members of the Branch Council shall be taken to refer to members of the Branch Council who are not members of the special sub-branch and all references to the Branch Council shall be taken to refer to that part of the Branch Council which is composed of members who are not members of the special sub-branch, and
 - (ii) sub-rules A to I inclusive shall apply to the election of the Delegate to Federal Council from the special sub-branch and for the purpose of that election all references in those sub-rules to members of the Branch Council shall be taken to refer to members of the Branch Council who are members of the special sub-branch and all references to the Branch Council shall be taken to refer to that part of the Branch Council which is composed of members who are members of the special sub-branch.

55A - ELECTION OF FEDERAL SECRETARY

- A.** The Federal Secretary shall be elected four yearly by secret post ballot of the whole of the financial membership of the Group. Any person shall be eligible to accept nomination for election.
- B.** Each election under this rule shall be conducted so that the result is declared not earlier than the 1st of June and not later than the 25th of August in an even-numbered year.
- C.** Nominations for elections under this rule shall when necessary be called by publication of a notice in a daily newspaper or newspapers circulating in all States at

least twenty-one (21) days prior to the date on which nominations close. Nominations shall be called by the Federal Returning Officer who shall fix the date on which nominations close and the dates between which the ballot if any shall be conducted.

- D. Nominations shall be in writing and shall be signed by the person accepting nomination and two members of the Federal Council proposing them and specifying the office for which they are being nominated.

55B - ELECTION OF FEDERAL OFFICERS (OTHER THAN THE FEDERAL SECRETARY) AND FEDERAL EXECUTIVE MEMBERS

- A. The Federal President, and Federal Vice-Presidents shall be elected two yearly by secret ballot of the Delegates to the Federal Council held in accordance with these rules.

The persons eligible to accept nomination for election as Federal President or Federal Vice-President shall be the delegates to the Federal Council.

Nominations shall be in writing and shall be signed by the member of the Federal Council accepting nominations, and by two other members of Federal Council proposing him and specifying the office or offices for which he is being nominated.

- B. The Branch representatives on the Federal Executive shall be elected two yearly by secret ballots of the delegates to Federal Council from each Branch. The persons eligible to accept nomination for election as each branch representative on the Federal Executive shall be the delegates to the Federal Council from the Branch concerned.

Nominations for Branch Representative on the Federal Executive shall be in writing and shall be signed by the member of Federal Council accepting nomination and by one other member of Federal Council proposing him.

- C. Nominations for each of the positions of Federal President, Federal Vice-President and Branch Representative on the Federal Executive shall be called by notification of all members of Federal Council at least thirty (30) days prior to the ordinary two yearly meeting of Federal Council. Nominations shall be called for by the Federal Returning Officer or a person appointed in accordance with Rule 53E of these rules.
- D. Nominations shall close at 12 noon on the first day of each Federal Council meeting at which an election is necessary. The Returning Officer shall advise Council at the opening of the Council meeting of the nominations received by him at that time. If the Returning Officer conducting the election finds nominations to be defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect before the election, but if not practicable because of the absence from the Federal Council of a member of Federal Council who had nominated or purported to nominate the person (there being no other member of the Federal Council present who is prepared to nominate the person), or for other good cause shown to the satisfaction of the Returning Officer, within 7 days after the person's being so notified.
- E. If the number of valid nominations received does not exceed the number of persons to be elected in accordance with these rules the Returning Officer shall declare those persons elected.
- F. If the number of valid nominations received exceeds the number of persons to be elected the Returning Officer shall forthwith subject to the provisions of this rule dealing with absent voting, proceed to hold a secret ballot of the whole of the

membership of Federal Council in accordance with these rules. The Returning Officer shall declare the result of such ballot immediately the counting of votes is concluded.

- G. For the purpose of nomination or voting in any election under this rule the register of Delegates to Federal Council shall be deemed to have closed at 12 noon on the first day of each Federal Council meeting at which the election is necessary, and only those Delegates whose names appear on the register at that time shall be eligible to nominate or to be nominated or vote in such elections.
- H. Any member of the Council who will not be present at the meeting at which an election for Federal Officers and/or Branch representatives on the Federal Executive is to be held may prior to the close of nominations lodge with the Returning Officer a request for an absent vote in respect of the election, which request shall specify the address where the absent vote may be delivered. Where it is not possible to complete the election at the relevant meeting of Federal Council because of the request for, and issue of, an absent vote, the Returning Officer shall not count any votes or declare the result of the election until the member or members to whom absent votes have been issued have had such reasonable opportunity to vote as is determined by the Returning Officer. In any case where it is not practicable to hold the election at the meeting of Federal Council because of the right of a candidate to remedy the defect in terms of sub-rule D hereof, such election shall be carried out as a secret postal ballot of all members of Federal Council.

56 - CASUAL VACANCIES

- A. In the event of a casual or extraordinary vacancy arising in the office of Delegate to Branch Council, Branch Officer, Delegate to Federal Council or Branch Representative on the Federal Executive the Branch concerned may elect or appoint another person to fill the casual vacancy. Where the unexpired period of office is eighteen months or less in the case of an office elected two yearly or three years or less in the case of an office elected four yearly the casual vacancy shall be filled by appointment by the Branch Council of a person who would be eligible for election to the office. 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.
- B. Where a casual vacancy is to be filled by election, the Branch Council may appoint a member attached to the Branch or Sub-branch, as the case may be, from which the vacancy arose to act in the vacant position pending the election of a person to fill the vacant position. The member appointed under this sub-rule shall cease to act when the position is filled under Sub-rule A of this rule.

The election shall be held within six months of the vacancy arising, the member then elected to hold office for the unexpired portion of the term attached to that office.

- C. In the event of any casual or extraordinary vacancy occurring in any office of Federal Officer the provisions of Sub-rules A and B of this rule shall apply save that the functions assigned to the Branch Council in those sub-rules shall be performed by the Federal Council.

57 - CONDUCT OF ELECTIONS

- A. The election of the holder of each office within the Group shall be -
 - (i) an election at which all financial members, or all financial members included in such Branch section or other division or in such class as is appropriate

having regard to the nature of the office are subject to reasonable provisions with respect to enrolment, eligible to vote;

- (ii) an election by and from delegates to the Federal Council, or of all delegates to the Federal Council included in such Branch section or other division or in such class as is appropriate having regard to the nature of the office;
- (iii) an election by and from delegates to the Branch Council, or of all delegates to the Branch Council included in such section or other division or in such class as is appropriate having regard to the nature of the office;

B. The returning officer conducting every such election shall -

- (i) Satisfy himself as to the eligibility of those members entitled to vote and those persons entitled to nominate or be nominated and the rules governing such election;
- (ii) Call for accept or reject nominations by such means as will give reasonable notice to those entitled to nominate;
- (iii) Set a date for and in all other respects decide the detailed arrangements for the conduct of the election including the printing of ballot papers, the printer's certificate as to numbers printed, spoiled papers and the destruction of the plate, the mailing list of all those entitled to vote, a post office box for the reply-paid envelope to accompany ballot papers, the opening and counting of the returned ballot papers and the declaration of the result;

- (iv) If he finds a nomination to be defective, before rejecting the nomination forthwith notify the person concerned of the defect and where it is practicable to do so give him the opportunity of remedying the defect within not less than seven days of his being so notified.
- C. Every election shall be by secret ballot and shall be conducted by the proportional preferential voting system set out in the Schedule.
- D. Any financial member who expects to be absent from his/her usual place of employment or residence at the time of any ballot shall be entitled to have his/her ballot paper forwarded to his/her temporary address upon making written application to the Returning Officer.
- E. For all purposes relating to elections conducted under these rules the financial membership of persons eligible to nominate persons to offices with the Group, to accept nomination for election to those offices and to vote in any such election shall be ascertained as follows:
 - (i) Those persons who are financial members of the Group as at seven (7) clear days prior to the date upon which nominations for the office or offices the subject of the election or elections are to open shall be eligible to nominate persons for, or, inter alia, be candidates nominated for, such office or offices provided that in the case of elections for Branch Officers or Branch Councillors, the rules of a Branch may specify additional requirements in relation to eligibility to be nominated for election to such office or offices.
 - (ii) Those persons who are financial members of the Group as at seven (7) clear days prior to the commencing date from which such members may vote in an election under these rules shall be eligible to vote in such an election.
 - (iii) A roll of financial members eligible to vote in an election or elections under those rules shall be prepared as at thirty (30) clear days prior to the date upon which nominations for the office or offices the subject of the election or elections are to open.
 - (iv) A supplementary document shall be prepared comprising those persons who have become financial members between the date of preparation of the roll referred to in paragraph (iii) hereof and the date that is seven (7) clear days prior to the commencing date upon which such members may vote in an election or elections and that document shall be added to the roll referred to in paragraph (iii) hereof as comprising the roll of persons eligible to vote in that election or those elections.
 - (v) A further supplementary document shall be prepared comprising those persons who have ceased to be financial members between the dates referred to in paragraph (iv) hereof and the names of the persons on that document shall be deleted from the roll referred to in paragraph (iii) hereof and shall not be eligible to vote in the election or elections for which that roll was prepared.
- F. Every candidate in every such election may appoint by notice in writing to the returning officer any member of the Union to act as scrutineer on his behalf and such scrutineer may if he so requests be present at the mailing out of the ballot papers, the opening of the post office box, the counting of votes and the declaration of the result.
- G. No scrutineer shall interfere with the conduct of any election and may at any time be directed by the returning officer to leave the place where a count is proceeding if in the

opinion of the returning officer his presence or conduct is impeding the prompt ascertainment of a true result.

- H. Upon the declaration of the result in every such election the Returning Officer shall forward a statement of the result signed by himself to the Federal Secretary, each Branch Secretary and each candidate.
- I. Where these rules are silent the returning officer may subject to the Act and to the rules give such directions for the conduct of an election as may be necessary or convenient to ensure a prompt ascertainment of a true result.
- J. The Group and every officer of the Group or Branch of the Group who is able to do so shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with or relevant to an election for an office are preserved and kept at the registered office of the Union (or, if the election is for an office in a branch of the organisation at the registered office of that Branch) for a period of one year after the completion of the election.
- K. For the removal and avoidance of doubt these rules are to be read subject to the following proviso: provided that the fact that any election was commenced or declared after any date specified in these rules, or the fact that any step was taken later than provided for or required by these rules, does not invalidate the election in question.

58 - TENURE OF OFFICE

- A. All delegates to Branch Council, Branch Officers, Delegates to Federal Council, Federal Officers and Members of the Federal Executive shall subject to these rules hold office until their successors are elected and shall be eligible for re-election.
- B. Subject to Rule 59 - Rights of Officers, any member of the Branch Executive may be removed from office by resolution in that behalf of Branch Council where such member has been found guilty in accordance with the rules of the Union of misappropriation of the funds of the Union, a substantial breach of the rules of the Union, gross misbehavior or gross neglect of duty or who has ceased according to the rules of the Group to be eligible to hold the office provided that any such member shall have a right of appeal to the Federal Council.
- C. Subject to Rule 59 - Rights of Officers, any member of Federal Executive may be removed from office by resolution of Federal Council in that behalf where such member has been found guilty in accordance with the rules of the Union of misappropriation of the funds of the Union, a substantial breach of the rules of the Union, or gross misbehavior or gross neglect of duty or has ceased according to the rules of the Group to hold office.

59 - RIGHTS OF OFFICERS

- A. No person elected to an office within the Group shall be dismissed from office unless he has been found guilty in accordance with the rules of the Union of misappropriation of the funds of the Union, a substantial breach of the rules of the Union or gross misbehavior or gross neglect of duty or has ceased according to the rules of the Group to be eligible to hold the office.
- B. Any member desiring to invoke the preceding sub-rule against a person elected to an office shall in writing charge that person with the conduct or circumstances alleged to justify his dismissal and shall forward the written charge to the Federal Secretary who shall forthwith forward a copy of the written charge to the person against whom the charge is made at the same time in writing requesting him to advise whether he admits or denies the charge against him or wishes to make any comment thereon.

C. At the next ordinary or special meeting of the Federal Executive the charge and any reply made by the person against whom the charge is made shall be considered and the Executive may resolve that:-

(a) the person charged be called upon to show cause to Federal Council or Federal Executive why he should not be dismissed from office, or

(b) the charge should be more properly heard by a Branch of the Group and, in such case, direct that the charge and any reply thereto be forwarded to the relevant Branch Secretary so that it might be considered at the next meeting of the Branch Executive who shall

decide whether the charge shall be heard by itself or by the Branch Council, or

(c) that no further action be taken.

If the charge in question relates solely to the affairs of a particular Branch and to an officer who only holds office in that Branch or representing that Branch, then the Federal Executive shall remit the matter to the relevant Branch Secretary to be dealt with by that Branch in accordance with this Rule, unless the Federal Executive is of the view that the charge cannot be fairly dealt with by that Branch.

D. If the charge is proceeded with the person charged shall be called upon to attend before the appropriate body at a stated time and place to show cause why he should not be dismissed from office and shall be furnished by the person laying the charge with particulars of the charge reasonably sufficient to enable him to know the nature of the allegation made against him and the circumstances alleged to justify his dismissal.

E. The person laying the charge and the person charged:-

(a) shall be heard in person if he or they so desire, or

(b) may submit a written statement, call witnesses or evidence relevant to the charge.

No person shall be present at the hearing of the charge other than the person charged, the person laying the charge, and the members of the relevant body and any witnesses called, provided that any witnesses called may only be present while such witness's evidence is being taken. No person, other than a member of the relevant body, shall be present after the hearing of such charge whilst the body is deliberating upon its decision in relation to such a charge.

F. The appropriate body shall determine the matter and shall make such decision thereon as the facts of the matter require and such decision shall, subject to the provisions of these rules as to appeals be final. In making a decision under this Sub-rule, a body may remove an officer found guilty of a charge laid under this Rule from some or all of the offices held by him in the Group, provided that a Branch Council or Branch Executive may only remove an officer from one or more of the offices held by him in that Branch or representing that Branch. The appropriate body may decide to issue a rebuke, caution, reprimand or warning to an officer found guilty of a charge laid under this Rule as an alternative to removal from an office or offices held by him in the Group.

G. An office-holder may by resolution of Federal or Branch Executive be directed not to carry out some or all of the duties attaching to his office pending the hearing of any

charge against him provided that any decision of a Branch Executive under this Sub-rule shall be limited to offices in that Branch, or representing that Branch.

60 - BREACH OF RULES

- A.** Subject to the provisions of Rule 59, Rights of Officers, the Federal Council and/or Federal Executive shall have power to investigate any suspected or alleged breach of these rules and to determine whether any member has committed a breach of these rules.
- B.** A member is guilty of a breach of these rules who:
- (i) breaches or fails to comply with any provision of these rules;
 - (ii) knowingly fails to obey any lawful resolution of the Union;
 - (iii) gives false or misleading information to the Union on any matter relating to the objects of the Union;
 - (iv) fails, without reasonable excuse, to attend any meeting of the Group when summoned by the Council or Executive;
 - (v) obstructs the Union, the Council or the Executive in the performance of its functions pursuant to these rules;
 - (vi) obstructs, insults or behaves in an offensive manner towards any officer or employee of the Union acting in the course of his or her duties;
 - (vii) wrongfully holds himself or herself out, without reasonable excuse, as occupying any office or position, or as representing the Union;
 - (viii) behaves in a drunken, disorderly or offensive manner at any meeting of the Union or in any office of the Union;
 - (ix) aids or encourages any other member in a breach of these rules.
- C.** Any member who alleges that another member has breached these rules may lay a charge under this Rule. Such charge shall be in written form and shall be forwarded to Federal Secretary. However, the powers of the Federal Council and the Federal Executive under this Rule shall not depend upon the laying of a charge by an individual member in accordance with this Sub-rule.
- D.** A member shall not be found guilty of a breach of these rules unless he has been given notice of the charge made and has been given a reasonable opportunity to present any defence to the charge.
- E.** The Federal Council and/or Federal Executive shall have power to expel or suspend from membership or to impose a fine not exceeding twenty dollars or a rebuke or caution, reprimand or warning upon any member found guilty of a breach of these rules.

61 - TRANSITIONAL RULE AS TO BRANCH RULES

- A.** deleted.
- B.** Until otherwise determined by Branch rules adopted by Branches in accordance with the foregoing sub-rule the following rules shall apply to Branches:

- (i) General and special meetings of the members of the Branch shall be convened on at least seven (7) days notice to the members by advertisement in a newspaper or newspapers circulating in the area of the Branch signed by the Branch President or failing him the Branch Secretary and specifying the date time and place of the general or special meeting and the business of the meeting.
- (ii) Ten per cent of the financial membership of the Branch may by signing a requisition or requisitions in common form require that a special meeting of members of the Branch be held to transact business to be specified in the requisition or requisitions (as the case may be). Such special meetings shall be so convened as to be held within three weeks of the date when the requisition or requisitions (as the case may be) are received by the Branch

President or other Branch Officer. The decision of such special meeting shall, subject to these rules be performed or observed by Branch Council and Branch Executive.

62 - RULE RELATING TO ADDITIONAL TRANSITIONAL ARRANGEMENTS

- A.** This rule shall apply notwithstanding anything in these rules to the contrary.
- B.**
 - (i) In addition to any other rules which, subject to these rules, may be made and adopted by Branches of the Group, Branches may make rules relating to the establishment of special sub-branches and such rules shall provide:
 - (a) an entitlement to elect from the members of the special sub-branch delegates to Federal Council representing the Branch and the special sub branch;
 - (b) the special sub-branch shall not have as members of that sub-branch persons who immediately prior to the coming into existence of the sub-branch were members of the following Associated Bodies of the Union:

Public Service Association of New South Wales;
Victorian Public Service Association;
The State Public Services Federation Tasmania;
Public Service Association of South Australia Incorporated
The Civil Service Association of Western Australia (Inc.)
 - (c) the number of delegates entitled to be elected by and from the special sub-branch as branch delegates to Federal Council shall not be disproportionate to the size of the special sub-branch in relation to the branch as a whole.
 - (d) provision for the election of a branch officer and Branch Councillors from the members of the special sub-Branch.
 - (e) provision for election of officers of the Branch for persons who are officers of an organisation whose members are entitled to become members of the sub branch.
- C.** Upon an amalgamation of the Union with the present Federally-registered organisation known as The Professional Officers' (State Public Services and Instrumentalities) Association (hereinafter referred to as "The Association") all persons who prior to the said amalgamation were members of the Union and the Association shall on and from the date of the said amalgamation continue to be or become

members of the Union as the case may be and thereafter shall continue their membership in the Union in accordance with these rules.

63 - TRANSITIONAL RULE AS TO QUEENSLAND BRANCH

- A.** This rule shall apply notwithstanding anything in these rules to the contrary.
- B.** A Queensland Branch of the SPSF Group shall be deemed to have been established in the State of Queensland. The Queensland No. 1 Branch and the Queensland No. 2 Branch of the SPSF Group existing as at the establishment of the Queensland Branch of the SPSF Group shall be deemed to have merged for all purposes. The Queensland Branch of the SPSF Group shall operate as a single autonomous administrative unit with the powers and responsibilities under the Rules of the SPSF Group, the Act and the Regulations.
- C.** The delegates to Federal Council, Federal Officers and Members of the Federal Executive from the Queensland No. 1 Branch and the Queensland No. 2 Branch holding office as at the establishment of the Queensland Branch of the SPSF Group shall be deemed to be delegates to Federal Council, Federal Officers, and Members of the Federal Executive from the Queensland Branch of the SPSF Group for all purposes, and shall hold office until their successors from the Queensland Branch of the SPSF Group are elected in accordance with these rules. This sub-rule shall apply notwithstanding the provisions of sub-rules A & B of Rule 34.
- D.** The Branch Officers and Delegates to Branch Council from the Queensland No. 1 Branch and the Queensland No. 2 Branch holding office as at the establishment of the Queensland Branch of the SPSF Group shall be deemed to be Branch Officers and Delegates to Branch Council of the Queensland Branch of the SPSF Group for all purposes, and shall hold office until their successors from the Queensland Branch of the SPSF Group are elected in accordance with the provisions of sub-rule G of this Rule. Any Branch Officer holding an office with the same name or description as another Branch Officer shall be deemed to be a Joint Branch Officer, and shall jointly exercise the powers of the respective Branch Offices of that name or description.
- E.** The transitional Queensland Branch Council of the SPSF Group shall be the committee of management of that Branch, shall have all the powers of Branch Council including power to summon general and special meetings of members of the Branch and shall consist of the Branch Officers and Delegates to Branch Council of the Queensland Branch deemed as such by sub-rule D of this Rule.
- F.** The transitional Queensland Branch Council shall act promptly to:
 - (i) Draft detailed rules consistent with these rules for the government of the Branch in particular making detailed or additional provision for the election of members of Branch Council and the calling of general and special meetings of the members of the Branch;
 - (ii) Submit such rules forthwith to a special meeting of the Branch Council for approval and if approved for certification by the Industrial Registrar as the rules of the Branch;
 - (iii) Appoint a Branch Returning Officer to conduct elections pursuant to Rule 54A of Branch Delegates to Branch Council and Branch Officers in accordance with the provisions of this Rule.
- G.** The Branch Officers and Delegates to Branch Council of the Queensland Branch deemed as such by sub-rule D of this Rule shall hold office until their successors are

elected in accordance with the ordinary rules of the SPSF Group and Rule 64D in 1994, and shall be eligible for the re-election.

- H. Upon the establishment of the Queensland Branch of the SPSF Group, the Branch shall have 8 Branch Delegates to Federal Council and the number of votes which Queensland Branch Delegates to Federal Council and Federal Executive shall be entitled to exercise shall be determined in accordance with sub-rule B of Rule 25.

64 - TRANSITIONAL RULES RELATING TO ELECTIONS

- A. This rule shall apply notwithstanding anything in these rules to the contrary.
- B. (i) The persons elected in 1992 in or for the New South Wales Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive shall hold office only until the election of their successors in 1993.
- (ii) Elections shall be held in 1993 in and for the New South Wales Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive and the persons then elected shall hold office until the election of their successors in 1996.
- (iii) The elections in 1993 in and for the New South Wales Branch and the Western Australian Branch shall be conducted so that the results of elections for Delegates to Branch Council and Branch Officers are declared not later than 8 October, 1993 and the results of elections for Branch Delegates to Federal Council are declared not later than 12 November, 1993.
- (iv) There shall be no election held in 1994 in or for the New South Wales Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive.
- C. The persons elected in 1992 in or for the Victorian Branch to the offices of delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive shall hold office only until the election of their successors in 1993.
- Elections shall be held in 1993 in and for the Victorian Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive and the persons then elected shall hold office until the election of their successors in 1996.
- There shall be no election held in 1994 in or for the Victorian Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive.
- D. The persons elected in 1992 in or for the Queensland No. 1 Branch and Queensland No. 2 Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive shall hold office only until the election of their successors in 1994 (whether by an election in one of those Branches or in a single Queensland Branch).
- The persons elected in 1994 in or for the Queensland No. 1 Branch and Queensland No. 2 Branch or a single Queensland Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative

on the Federal Executive shall hold office only until the election of their successors in 1996 (by an election in any of those Branches).

- E.** The persons elected in 1992 in or for the Western Australian Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive shall hold office only until the election of their successors in 1993.

Elections shall be held in 1993 in and for the Western Australian Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive and the persons then elected shall hold office until the election of their successors in 1996.

There shall be no election held in 1994 in or for the Western Australian Branch to the offices of Delegate to Branch Council, Branch Officer, Delegate to the Federal Council and Branch Representative on the Federal Executive.

- F.** There shall be elections conducted in 1992 in each Branch for all Offices within the Group in accordance with the provisions of the rule or applicable to each such office. This sub-Rule is made to ensure that any possible doubt as to the effect of certain rule changes in 1992 is removed.

SCHEDULE A

SCHEDULE - PROPORTIONAL REPRESENTATION

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

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 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 his preferences.

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.

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.

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.

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.

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.

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. 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 clause 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.
5. (a) 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.

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.
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.
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.

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

8. Notwithstanding anything contained in this Schedule, 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.

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.

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.

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.

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

CPSU, SPSF Group Victorian Branch Rules

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 Victorian 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 Victorian Branch, in these rules called the Branch.

3 - OFFICE

The office of the Branch shall be at a location as determined by the Branch Council, provided that such address is within the Melbourne metropolitan area.

4 – POWERS OF BRANCH

The 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 provides that the Branch shall have full autonomy in matters affecting members of the Branch only and matters concerning the participation of the Branch in any State industrial conciliation and arbitration system.)

5 – BRANCH MEMBERS

The members of the Branch shall be those persons admitted to membership of the SPSF Group in accordance with the federal rules whose employer is located in Victoria and such other members who have been allocated to the Branch by Federal Council.

6 – BRANCH COUNCIL

6.1 The affairs of the Branch shall be managed by the Branch Council, which shall have power to control and manage the business and affairs of the SPSF Group in the State of Victoria subject always to the federal rules 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 by laws for the regulation and government of the Branch;
- (b) enrol in the Union any person eligible to be a member of the SPSF Group;
- (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 Branch;
- (d) impose levies on members attached to the Branch;
- (e) remit entrance fees, subscriptions, levies fixed or imposed under this Rule;
- (f) waive in whole or part any fees, subscriptions and levies;
- (g) disburse or authorise the disbursement of moneys from the Branch Fund for any purpose within the objects of the Union;

- (h) for the purposes of managing the branch fund -
 - (i) buy, sell, rent, lease, sublet or otherwise deal with any property, real or personal,
 - (ii) enter into any contract,
 - (iii) borrow money and mortgage or charge any of the real or personal property of the Branch,
 - (iv) establish any company or trust to hold, or assign on trust, any real or personal property of the Branch Fund;
- (i) appoint such Committees of Branch Council as may be deemed necessary;
- (j) appoint or remove a Branch Returning Officer qualified to act in accordance with the Act to conduct any election for which a Returning Officer is required in connection with any Branch office in the SPSF Group;
- (k) 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;
- (l) fix and from time to time vary the salaries and allowances or honorariums payable to Branch Officers and to confer on named officers or the holders of any named offices authority to employ, retain and terminate the employment of such staff as shall be specified in a resolution of Branch Council conferring such authority on such terms as Branch Council or if so decided by Branch Council, as such Branch officers shall see fit;
- (m) subject the Rights of Officers under Chapter C of the federal rules, dismiss from office any person elected to an office within the branch who has been found guilty in accordance with the rules of the Union 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 SPSF Group to be eligible to hold the office provided that any such person shall have a right of appeal to the Federal Council;
- (n) to publish and distribute Branch Publications,
- (o) authorise the taking of any action provided for under the Workplace Relations Act 1996 (the Act) which is seen to be necessary to advance the interests of members of the Branch, provided that such actions have application only to members in Victoria. Such actions include, but are not limited to the following :
 - (i) the notification of an alleged industrial dispute under Section 99 of the Act, or
 - (ii) the making of an agreement proposed to be certified under Part VIB of the Act, and the making of an application for the certification of such an agreement, or
 - (iv) the making of an application for the extension of, the variation of or the termination of an agreement certified under Part VIB of the Act, or
 - (v) the notification under Section 170M(3) of the Act that the organisation wants to be bound by an agreement proposed to be certified under Section 170LK of the Act, or

- (vi) the initiation of a bargaining period under Section 170MI of the Act, or
- (vii) the making of an application for the suspension or the termination of a bargaining period under Section 170MW of the Act, or
- (viii) the giving of notice of intention to take protected action as required under Section 170MO, or
- (ix) the giving of notice to the Industrial Registrar that proposed protected industrial action has been duly authorised as required by Section 170MR of the Act.

(p) do all things necessary or convenient to the exercise of the foregoing powers.

6.2 The Branch Council shall consist of:

- (a) the Branch Officers, and
- (b) the Branch Councillors.

6.3 Branch Council shall meet monthly with the exception of the month of January on dates to be fixed by the Branch Council and at such other times as Branch Council or Branch Executive or the Branch President and Branch Secretary acting together shall deem necessary and shall be convened by the Branch Secretary.

6.4 The voting rights of a member of the Branch Council representing Electorate 11 as described in Rule 9.12 shall be limited only to those matters which are deemed by the Branch Council to be of direct relevance to the interests of the members of that electorate.

6.5 At every meeting of the Branch Council the quorum necessary for the transaction of the business of the Branch Council shall be one third of those entitled to attend and vote thereat.

7 – BRANCH OFFICERS

7.1 The Branch Officers shall be:

- (a) the Branch President,
- (b) the two Branch Vice Presidents,
- (c) the Branch Secretary,
- (d) the Branch Assistant Secretary,
- (e) the Executive Councillor (Country Representative)

7.2 A Branch Officer may attend and speak at any meeting of the Branch held under these rules.

- 7.3 The Branch Officers shall be elected four yearly by secret ballot of the whole of the financial membership of the Branch, with the exception of the Executive Councillor (Country Representative) who shall be elected four yearly by secret ballot of the class of members whose work location is not within the Melbourne metropolitan area. For the purposes of this sub-rule work location shall mean the postal address of a member's usual headquarters.
- 7.4 The Branch Secretary, the Branch Assistant Secretary and the Executive Councillor (Country Representative) shall be full time officers of the Branch.

8 – BRANCH COUNCILLORS

Each electorate will be represented on Branch Council by one Branch Councillor for each 400 Branch Members or part thereof (the Branch Representation Quota), allocated to the electorate at the date specified in Chapter C of the federal rules. The Branch Councillors shall be elected four yearly by secret ballot of the financial membership of each Branch Electorate.

9 – BRANCH ELECTORATES

- 9.1 The members of the Branch shall be allocated to electorates to be known as Electorate 1, Electorate 2, Electorate 3, Electorate 4, Electorate 5, Electorate 6, Electorate 7, Electorate 8, Electorate 9, Electorate 10, Electorate 11.
- 9.2 Electorate 1 shall be known as the Health and Community Services Electorate and shall consist of all members who are employed by a body which the Branch Council declares to be a Health Services Body.
- 9.3 Electorate 2 shall be known as the Higher Education Electorate and shall consist of all members who are employed by a body which the Branch Council declares to be a Higher Education Body.
- 9.4 Electorate 3 shall be known as the Resources Electorate and shall consist of all members whose work location is within the Melbourne metropolitan area and who are employed by a body which the Branch Council declares to be a Resources Body.
- 9.5 Electorate 4 shall be known as the Education Electorate and shall consist of all members whose work location is within the Melbourne metropolitan area and who are employed by a body which the Branch Council declares to be an Education Body.
- 9.6 Electorate 5 shall be known as the Justice Electorate and shall consist of all members whose work location is within the Melbourne metropolitan area and who are employed by a body which the Branch Council declares to be a Justice Body.
- 9.7 Electorate 6 shall be known as the Central Agencies Electorate and shall consist of all members whose work location is within the Melbourne metropolitan area and who are employed by a body which the Branch Council declares to be a Central Agencies Body.
- 9.8 Electorate 7 shall be known as the Barwon/South Western Region Electorate and shall consist of all members, other than members employed by a body which the Branch Council declares to be a Health Services Body or a Higher Education Body, whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the Barwon/South Western Region.

- 9.9 Electorate 8 shall be known as the North Western Region Electorate and shall consist of all members, other than members employed by a body which the Branch Council declares to be a Health Services Body or a Higher Education Body, whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the North Western Region.
- 9.10 Electorate 9 shall be known as the Gippsland Region Electorate and shall consist of all members, other than members employed by a body which the Branch Council declares to be a Health Services Body or a Higher Education Body, whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the Gippsland Region.
- 9.11 Electorate 10 shall be known as the North Eastern Region Electorate and shall consist of all members, other than members employed by a body which the Branch Council declares to be a Health Services Body or a Higher Education Body, whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the North Eastern Region.
- 9.12 Electorate 11 shall be known as the Retired Officers Electorate and shall consist of all members who are eligible to be members by the operation of an agreement pursuant to Section 202 of the Act and who would otherwise be Branch Associates pursuant to Rule 24A (i) of the SPSF Group Rules.
- 9.13 Provided that:
- (a) where under this rule a member would fall within more than one electorate, then that member will be assigned to an electorate as determined by Branch Council;
 - (b) where under this rule a member would not fall within an electorate, then that member shall be assigned to an electorate as determined by Branch Council;
 - (c) where a member is granted leave to take up temporary employment with the Branch, then that member will continue to be allocated to an electorate as if still employed in the original position;
 - (d) the minimum size of an electorate shall be 200 members, where an electorate would have or at any time ceases to have less than 200 members no allocation will be made to that electorate and members will be allocated to remaining electorates as though that electorate did not exist;
 - (e) for the purposes of sub-rules 9.2 to 9.11 inclusive “work location” shall mean the postal address of a member’s usual headquarters;
 - (f) a member who has been allocated into an electorate on the basis of work location may apply to the Branch Council to be allocated into another electorate on the basis that the majority of his/her duties are performed within an area which falls within that other electorate.

10 – BRANCH EXECUTIVE

- 10.1 Between meetings of Branch Council the Branch Executive shall have all of the powers of the Branch Council with the exception of the powers arising under Rule 6.1 (a), (b), (c), (d), (h), and (m), provided that the exercise of any such power is subject to any direction or resolution of the Branch Council.
- 10.2 The Branch Executive shall meet between meetings of Branch Council and whenever required by the Branch President after consultation with the Branch Secretary.

11 – BRANCH FUND

11.1 The Branch Fund shall consist of:

- (a) any real or personal property of which the 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 a Branch; less so much of those amounts as is payable by the Branch to the Federal Fund.
- (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 Branch for the benefit of its officers or employees;
- (e) any sick pay fund, accident pay fund, funeral 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;
- (g) the proceeds of any disposal of parts of the Fund, and
- (h) any real or personal property derived from the State Public Services Federation (Victoria).

11.2 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 and one other Branch Officer.

12 – ANNUAL REPORT

12.1 The Branch Secretary shall ensure that an Annual Report is prepared and distributed to all members no later than 1 March each year, or at such other time as is necessary to satisfy the requirements of the Workplace Relations Act 1996 as they apply to the provision of financial information to members.

12.2 The Annual Report shall contain, but not be limited to :

- (a) the material relating to the finances of the Branch as required to be provided to members under Division 11 of Part IX of the Workplace relations Act 1996, and
- (b) a summary of the activities of the Branch for the previous calendar year, and
- (c) such other material or information as determined by the Branch Council or the Branch Executive.

12.3 The Annual Report shall be distributed by ordinary mail to the last known address of each member of the Branch.

13 –GENERAL MEETINGS

- 13.1 A General Meeting of the members of the Branch may be convened by either,
- (a) a resolution of two thirds of the members present and voting at a meeting of the Branch Council, or
 - (b) the Branch Secretary on the receipt of a requisition in writing stating the business to be transacted and signed by not less than five hundred (500) members of the Branch.
- 13.2 The Branch Council may determine that a General Meeting of Members be convened as either :
- (a) a single meeting to be held in the Melbourne metropolitan area, or
 - (b) a series of meetings to be held at any number of locations designated by the Branch Council, provided that at least one such location is within the Melbourne metropolitan area and that all such meetings are conducted within a seven day period.
- 13.3 At least fourteen days notice of the date, time, location or locations and the business to be transacted at any General Meeting shall be given by publication in :
- (a) an official Branch Publication directed to all members, or
 - (b) a daily paper published in Melbourne and in such other publication as determined by the Branch Council.
- 13.4 The business to be transacted at a General Meeting shall be determined by the Branch Council in the case of a meeting convened under Rule 13.1(a), and as stated in the requisition convening the meeting in the case of a meeting convened under Rule 13.1(b).
- 13.5 A quorum for a General Meeting shall consist of those members present at the meeting.
- 13.6 A decision of a General Meeting shall be determined by a majority vote of :
- (a) in the case of a meeting convened under Rule 13.2(a), those present and voting at the meeting.
 - (b) in the case of a series of meetings convened under Rule 13.2(b), the aggregate of those present and voting at such meetings.
- 13.7 A decision of a General Meeting shall be binding on the Branch provided that the attendance at such meeting or the aggregate attendance at such meetings as the case may be was not less than 3000 members or 20% of the Branch members, whichever is the greater.
- 13.8 A decision of a General Meeting at which the attendance requirements of Rule 13.7 were not met shall be referred to the next meeting of the Branch Council and shall be binding on the Branch if a resolution to that effect is carried by a majority of members present and voting at such meeting.

14- REPRESENTATIVES

- 14.1 The Branch Council may appoint a member of the Branch to act as a Representative for such groups of members as it shall determine.
- 14.2 All notices affecting the members of the Branch in any group for which such a representative has been appointed may be forwarded to such members through their representative.
- 14.3 Representatives shall perform such functions as determined by Branch Council.

15- STANDING COMMITTEES

- 15.1 Branch Council may establish standing committees, including:
- (a) Committees established on an occupational, geographic, industry, agency or other basis
 - (b) Conferences
- 15.2 Standing Committees may refer matters to the Branch Council for consideration and shall
- (a) comply with the rules, bylaws, standing orders and their terms of reference
 - (b) be subject to direction by, and accountable to, the Branch Executive and Branch Council
 - (c) promptly and accurately report their activities and advice to the Branch Executive
 - (d) provide written reports for presentation to the Branch Council when required.
- 15.3 The Branch Secretary shall ensure that any matter referred to the Branch Council by a Standing Committee is placed on the agenda for the first available Branch Council meeting.
- 15.4 A representative of a Standing Committee shall be entitled to attend and speak at any meeting of the Branch Council at which a matter referred by the Standing Committee is to be considered.

16 – DUTIES OF MEMBERS

- 16.1 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.
- 16.2 All members are encouraged to actively participate in the affairs of the union to attend union meetings and to vote in ballots.

17 - MISCONDUCT

- 17.1 A member of the 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) gross neglect of duty.

- 17.2 Charges may be laid by:
- (a) a member of the Branch
 - (b) the Branch Council or Branch Executive
 - (c) a Branch Officer.
- 17.3 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) persons involved
 - (c) witnesses
 - (d) the date or dates of the occurrence of the offence
 - (e) particulars of alleged facts on which the charge is based.
- 17.4 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.
- 17.5 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.
- 17.6 The Branch Executive shall determine:
- (a) that the charge does not warrant further action, or
 - (b) that the member be summoned to appear before the Branch Council to answer the charge.
- 17.7 Branch Council, if the member does not appear, or if dissatisfied with the members 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 Branch
 - (b) suspend the member for a certain time
 - (c) censure the member.
- 17.8 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 Branch.

18 – EXECUTION OF AGREEMENTS AND DOCUMENTS

Documents may be executed on behalf of the 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 Branch and with its authority.

19 - PUBLICATIONS

- 19.1 The Branch shall publish a journal for circulation to all members which shall be an official Branch Publication.
- 19.2 By Laws may provide for other official Branch Publications directed to all Branch Members or any part thereof.
- 19.3 An official Branch Publication may be published as a part of any other publication or jointly with any other organisation.
- 19.4 Any official Branch Publication shall be available to members free of charge.

20 – CASUAL VACANCIES

- 20.1 For the purposes of Rule 56 of Chapter C of the Federal Rules, a casual vacancy shall arise in relation to a Branch Officer or a Branch Councillor, in the event that :
- (a) the Branch Officer or the Branch Councillor submits a written resignation from the position held to the Branch Secretary, (provided that in the case of the Branch Secretary the written resignation shall be submitted to the Branch President), and in such cases the casual vacancy shall be deemed to have arisen on the date of receipt of the written resignation, or
 - (b) the Branch Officer or the Branch Councillor ceases to be a member of the Branch, and in such cases the casual vacancy shall be deemed to have arisen on the date the Branch Officer or the Branch Councillor ceases to be a member of the Branch.

21 – BRANCH POLICY

- 21.1 The Branch Council shall determine Branch Policy.
- 21.2 A Standing Committee may be authorised by Branch Council or Branch By Laws to develop policy proposals, but any such proposal will not become Branch Policy unless adopted by Branch Council.

22 – CONTROL BY MEMBERS

Democratic control of the Branch resides with the members who can by virtue of provisions elsewhere in the rules:

- (a) participate in General Meetings of the Branch
- (b) contest elections
- (c) vote in ballots, and at membership meetings
- (d) lay charges of misconduct against officers and other members
- (e) requisition General Meetings or Referenda

23 - REFERENDUM

- 23.1 A referendum to obtain the view of all financial members of the Branch on any question governing the affairs of the Branch may be initiated by:
- (a) A resolution of the Branch Council

- (b) A resolution of an Annual General Meeting or General Meeting to refer a motion before it to a referendum
 - (c) A requisition signed in writing by ten percent of the financial members of the Branch
- 23.2 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.
- 23.3 The arrangements for the taking of a referendum shall be made by the Branch Council who shall:
- (a) appoint for the conduct of the referendum a Returning Officer and such Assistant Returning Officers and Scrutineers as it deems necessary
 - (b) prepare material to accompany the question, which in the case of a referendum not agreed to by the Branch Council shall include an objective statement of the arguments against the question.
- 23.4 The Returning Officer shall:
- (a) issue a ballot paper, and accompanying material to each financial member of the Branch
 - (b) supervise the counting of the returns
 - (c) declare the final result of the ballot as a whole in writing to the Branch Secretary.
- 23.5 Any question put pursuant to any provision of this Rule shall be determined by a simple majority.
- 23.6 When a question is carried in the affirmative by a referendum it shall be put into effect forthwith.
- 23.7 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.

24 – DUTIES OF BRANCH OFFICERS

- 24.1 The Branch President shall:
- (a) preside at all meetings of Branch Council, Branch Executive and any meetings in the Branch that he or she attends, and sign the minutes thereof;
 - (b) enforce the rules, by-laws and standing orders, and have control of meetings at which he or she presides, and shall use all necessary power to

secure and enforce order and expedition in the conduct of the business and good order of the members thereof,

- (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 only if he or she so desires at all meetings of Branch Council and Branch Executive;
- (e) ensure as far as possible that the rules of the Branch are performed and observed by officers and members of the Branch;
- (f) 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;
- (g) generally act to safeguard the reputation, unity, autonomy and property of the Branch;
- (h) be an ex-officio member of all committees of the Branch;
- (i) act in conjunction with the Branch Secretary in all matters of urgency.

24.2 The Branch Vice-Presidents shall:

- (a) assist the Branch President to perform all 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, the Branch Vice-Presidents shall in rotation perform the duties of the Branch President or such of those duties as may be specified in each request or instruction.

24.3 The Branch Secretary shall:

- (a) attend all meetings of the Branch Council and Branch Executive and General Meetings of the Branch.
- (b) attend to and keep a copy of all correspondence.
- (c) keep minutes of all meetings and records of other business transacted by the Branch.
- (d) convene all General Meetings and summon members of the Branch Council and Branch Executive to all meetings.
- (e) keep a register of all members of the Branch.
- (f) conform to all the requirements of the Commonwealth and State legislation required to be observed by the Branch.
- (g) keep all books and records of the Branch and in particular -
 - (i) have the charge and custody of all current receipts of money belonging to the Branch and ensure the prompt payment of such monies into the appropriate bank account of the Branch;

- (ii) keep a correct account of all monies received and expended;
 - (iii) ensure all payments are made by cheque or petty cash;
 - (iv) produce any books and records for inspection at all reasonable times when demanded by the Branch Council or Auditors.
- (h) sign any process or document proper to be signed on behalf of the Branch by an officer thereof and to appear or to authorise another to appear before any Court, Commission or Industrial Tribunal before which the Branch should be represented;
- (i) furnish to the Branch Council at each ordinary meeting a statement showing the financial position of the Branch;
- (j) supply Council at a meeting before the Annual General Meeting with a financial statement and notes thereto certified by the Auditors for the financial year ended on the thirtieth of June immediately preceding the Annual General Meeting;
- (k) be responsible for the management of staff and effective administration of the Branch;
- (l) be an ex officio member of all Committees of the Branch;
- (m) discharge all such other duties and services as may be assigned by the Branch Council.

24.4 The Assistant Branch Secretary shall:

- (a) assist the Branch Secretary to perform all of the duties of the Branch Secretary
- (b) in the absence of the Branch Secretary or whenever the Branch Secretary requests or Branch Council or Branch Executive instructs, shall perform the duties of the Branch Secretary or such of those duties as may be specified in each request or instruction.

- 24.5 The Executive Councillor (Country Representative) shall:
- (a) assist the Branch Secretary,
 - (b) be responsible for the management of staff assigned duties in relation to members whose work location is not within the Melbourne metropolitan area,
 - (c) in the absence of the Branch Assistant Secretary or whenever the Branch Secretary requests or Branch Council or Branch Executive instructs, perform the duties of the Branch Assistant Secretary or such of those duties as may be specified in each request or instruction.

25 - ELECTIONS

- 25.1 Every election required by these rules shall be conducted by the proportional preferential voting system as defined in the schedule to Chapter C of the federal rules.
- 25.2 In addition to the requirements of the federal rules in relation to the means of calling for nominations for elections required by these rules, notice to those persons eligible to accept nomination to any office shall be given in an official Branch Publication which shall be circulated no later than fourteen (14) days prior to the date on which nominations close.
- 25.3 In any election required by these rules candidates shall be entitled to provide a statement of not more than 250 words and a photograph of the candidate for inclusion with ballot material. Such statements and photographs must be submitted to the Returning Officer no later than the close of business on the day 7 days after the close of nominations or such later date, if any, as determined by the Returning Officer, and shall comply with any guidelines as may be issued by the Branch Council.
- 25.4 In addition to the requirements of the federal rules in relation to eligibility to be candidates nominated for election to an office or offices, a member shall be eligible to be nominated for election as a Branch Officer or as a Branch Councillor if the member :
- (a) in relation to elections in which the relevant date is earlier than 1 February 1997, has been a financial member for a continuous period commencing no later than 1 February 1996; or, in relation to elections in which the relevant date is on or after 1 February 1997, has been a financial member for a continuous period of not less than twelve (12) months, and
 - (b) either
 - (i) was eligible to become a member of the union under Part II of Rule 2 of Chapter A of the rules of the union as at the relevant date, or
 - (ii) has been eligible to become a member of the union under Part II of Rule 2 of Chapter A of the rules of the union at some time during the six month period immediately preceding the relevant date, or
 - (iii) was a full time officer of the Branch as at the relevant date.

For the purposes of this rule the relevant date means the date seven (7) clear days prior to the date upon which nominations for an office or offices are to open.

26 - BY-LAWS

Branch Council may make, vary or repeal, any by-laws not inconsistent with these Rules for the regulation of the affairs of the Branch, its officers, or employees.

27 – STANDING ORDERS

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

28 – TERMINATION OF MEMBERSHIP OF UNFINANCIAL MEMBERS

28.1 Notwithstanding that a member has not submitted a notice of resignation under Rule 8A of Chapter C of the federal rules, the membership of such a member may be terminated by a resolution of the Branch Executive on the recommendation of the Branch Secretary if the member is unfinancial and fails to pay an amount sufficient to become financial within one month of being requested in writing to do so.

28.2 The written request must specify :

- (a) the extent of the arrears of subscriptions, and
- (b) that the member is liable to have his or her membership terminated if the amount sufficient to become financial is not paid within the specified time.

28.3 A decision of the Branch Executive under Rule 28.1 shall be reviewed by the Branch Council on the written request of the member concerned provided that such a request is received by the Branch Secretary within thirty days of the member being notified in accordance with Rule 28.4(b), and upon receipt of such a request the Branch Secretary shall,

- (a) refer the request to the first scheduled Branch Council meeting, provided that the meeting is on a date which would allow the member concerned to receive no less than 14 days written notice of the date, time and venue of the meeting, and
- (b) provide the member concerned with no less than 14 days written notice :
 - (i) of the date, time and venue of the relevant Branch Council meeting, and
 - (ii) that he or she is entitled to appear before the relevant Branch Council meeting and / or submit written material for the consideration of the meeting, provided that such written material is submitted to the Branch Secretary no later than 24 hours prior to the commencement of the meeting.

28.4 A member whose membership has been terminated under this rule must be notified in writing

- (a) that his or her membership has been terminated, and
- (b) that the decision of the Branch Executive to terminate his or her membership is subject to review by the Branch Council provided that a written request for such a review is received by the Branch Secretary within thirty days.

28.5 A decision of the Branch Executive under Rule 29.1 or of the Branch Council Under Rule 29.3 shall take effect from the date the member became unfinancial.

- 28.6 During the three month period commencing on the date of the certification of this rule, the membership of a member may be terminated by a resolution of the Branch Executive on the recommendation of the Branch Secretary provided that :
- (a) the member has been unfinancial for a period of more than 6 months as at the date of the certification of this rule, and
 - (b) the member has previously been "deemed to have resigned" under the rules of the State Public Services Federation (Victoria) having been advised in writing by that body that he or she may be deemed to have resigned unless arrears of subscriptions are paid,
- 28.7 In cases involving the termination of membership under Rule 28.6, the written request for payment requirement under Rule 28.1, the written notification requirement under Rule 28.4, and the right of review under Rule 28.3 shall not apply, provided that the termination of the membership of a person under Rule 28.6 shall be rescinded by the Branch Secretary upon the written request of the person concerned.
- 28.8 A person whose membership has been terminated under Rule 28.1 or Rule 28.3 and has not paid any amount properly payable in relation to a period of membership prior to the date of effect of the termination, shall not again be entitled to be admitted as a member of the Union for a period of twelve months from the date of effect of the termination of his or her membership unless:
- (a) any such amount is paid in full, or
 - (b) an arrangement which is acceptable to the Branch Council regarding any such amount is entered into.

29 – DATE OF OPERATION

These rules shall come into operation on 1 January 1996.

Victorian Branch By Laws

BY LAW #1 of 1996

BRANCH ELECTIONS

1. GENERAL

- 1.1 The provisions of this By Law shall apply to any election conducted pursuant to the Rules of the CPSU, SPSF Group as they apply to the CPSU, SPSF Group Victorian Branch.

2. ADDRESS LABELS

- 2.1 Upon the payment of the prescribed fee, each candidate for election shall be entitled to be provided with labels showing the names and postal addresses of members eligible to vote in the election or elections for which the person is a candidate.
- 2.2 The prescribed fee shall be \$100 where the members eligible to vote constitute the entire membership of the Branch and \$50 where the members eligible to vote constitute less than the entire membership of the Branch.
- 2.3 Labels shall be provided in either Cheshire or Sticky format and shall only be provided in alphabetical or postcode order.
- 2.2 Requests for labels, specifying the required format and order and signed by the candidate, must be received at the Branch office no later than the close of business on the day 7 days after the close of nominations and the labels shall be provided not less than 7 days prior to the commencement of the ballot period.
- 2.3 Candidates shall not use any label provided for any purpose other than the election.

3. STATEMENT OF CAMPAIGN FUNDS AND EXPENDITURE

- 3.1 Within twenty-one days of the declaration of the poll, each candidate must provide a statement to the Branch Secretary detailing the source of campaign funds and the expenditure of those funds.
- 3.2 The Branch Secretary shall table a list of all candidates who failed to comply with the requirements of this By Law at the next meeting of the Branch Council and ensure that the candidate's statements are available for viewing by any member at the Branch Office for a period of not less than 3 months from the date of that Branch Council meeting.

4. CONDUCT OF CANDIDATES

- 4.1 Except as provided for in this By Law, a candidate for election or other member acting on behalf of any candidate shall not request or direct any member of the staff of the Branch or of an Associated Body to perform any act or to make any statement which could reasonably be taken as indicating support for, opposition to, or endorsement of any candidate for election, and shall not request or otherwise solicit any information, material, document, or facilities from any member of the staff of the Branch or of an Associated Body, the provision of which could reasonably be taken as indicating support for, opposition to, endorsement of, or as being of assistance to the candidature of any candidate for election.
- 4.2 Nothing in this provision shall operate to prevent a Branch Officer who has responsibility for the direction of staff from giving any direction to a member of the staff of the Branch

or of an Associated Body which is consistent with the performance of the Branch Officer's duties under the Branch Rules.

MEMBERSHIP RECORDS, SUBSCRIPTION ARREARS AND SUBSCRIPTION REFUNDS

1. ADVICE TO MEMBERS

1.1 In accordance with the requirements of Rule 8 of the CPSU, SPSF Group rules the Branch Secretary shall advise all new members 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.

1.2 The advice shall be provided within 60 days of the date of joining and shall also include details of the implications of becoming unfinancial, both in terms of the union rules and the limitations on the provision of services to unfinancial members as specified under this By Law.

2. SUBSCRIPTION ARREARS

2.1 The membership records of the Branch shall show all members whose subscriptions are more than two months and less than three months in arrears as ***pending unfinancial***.

2.2 All members showing as pending unfinancial shall be advised in writing in a form approved by the Branch Secretary :

- a. that their subscriptions are in arrears,
- b. the extent of the arrears,
- c. the date on which the member will become unfinancial and the amount which will need to be paid to avoid becoming unfinancial,
- d. the implications of becoming unfinancial.

3. UNFINANCIAL MEMBERS

3.1 The membership records of the Branch shall show all members whose subscriptions are more than three months in arrears as ***unfinancial***.

3.2 All members showing as unfinancial shall be advised in writing in a form approved by the Branch Secretary :

- a. that they are unfinancial,
- b. the amount which will need to be paid to restore their financial status,
- c. the implications of remaining unfinancial.

4. SERVICE TO UNFINANCIAL MEMBERS

4.1 In addition to the limitations placed upon unfinancial members by the rules of the CPSU, SPSF Group, unfinancial members shall not be provided with any of the services provided to members of the Victorian Branch.

4.2 Such services shall include, but are not limited to :

- a. the provision of industrial advice and or assistance,
- b. the provision of any Branch publications, including the journal, and bulletins,
- c. the capacity to attend any official Branch meetings,
- d. access to ancillary services including legal services.

4.3 The above limitations shall apply generally to all unfinancial members, provided that subject to the unions rules the limitations on the provision of services may be waived in any particular case or cases provided that the unfinancial member or members concerned enter into an arrangement acceptable to the Branch Council with regard to the payment of subscriptions and or arrears.

5. ARREARS ON RESIGNATION

5.1 In accordance with Rule 8D of the CPSU, SPSF Group rules all subscriptions payable but not paid in relation to a period prior to the date of effect of a members resignation shall be regarded as a debt due to the union.

5.2 In all cases of the resignation of a member, a letter of demand in a form approved by the Branch Secretary shall be sent requiring payment as follows :

- a. in the case of a member who has resigned due to no longer being eligible for membership, an amount equal to subscriptions not paid in relation to any period prior to the member ceasing to be eligible, or
- b. in the case of a member who has resigned in any other circumstances, an amount equal to the subscriptions not paid up to the date three months after the date of receipt of the members resignation.

5.3 The sending of the letter of demand may be waived in any particular case or cases at the discretion of either the Branch Secretary or the Branch Council

6. WAIVING OF SUBSCRIPTION ARREARS

6.1 In exercising its power under Victorian Branch rule 6.1(f) the Branch Council may by resolution determine from time to time that arrears of subscriptions in relation an unfinancial member or group of unfinancial members may be fully or partially waived.

6.2 Such a resolution must specify :

- a. the member or group of members to whom the waiving of arrears shall be available, and
- b. the extent to which arrears are to be waived, and
- c. the period during which the waiving of arrears shall be available, and the method by which unfinancial members may apply for arrears to be waived.

The resolution may also specify any other conditions in relation to the waiving of subscriptions including conditions in relation to the future method of payment of subscriptions for members whose arrears are either fully or partially waived.

7 SUBSCRIPTION REFUNDS

- 7.1** Refunds of subscriptions shall only be made on the written request of a member, or on the written request of the executor of the estate of a deceased member.
- 7.2** Where the request for a refund relates to a period after the date of effect of an alleged resignation and there is no record of a letter of resignation having been received, a refund shall only be paid if
- a. in the case of a request for a refund which is less than 3 month's subscriptions, the member forwards a signed statement that they have previously forwarded a letter of resignation indicating the date the letter was sent, or
 - b. in the case of a request for a refund which is greater than 3 month's subscriptions and less than 12 month's subscriptions, the member forwards a statutory declaration that they have previously forwarded a letter of resignation indicating the date the letter was sent, or
 - c. in the case of a request for a refund which is greater than 12 month's subscriptions, the member forwards a statutory declaration that they have previously forwarded a letter of resignation indicating the date the letter was sent, and the refund is approved by the Branch Executive.
- 7.3** Where the request relates to a period after the death of a member a refund shall be made to the former member's estate on receipt of a written request from the executor of the estate indicating the date of death.
- 7.4** The date from which a refund is paid shall be the date two weeks after the receipt of the statement or the statutory declaration in the case of a refund made under Clause 7.2, and the date of death in the case of a refund made under Clause 7.3.

BRANCH STANDING ORDERS

1. DECLARATION OF MEETING COMMENCEMENT

1.1 Meetings shall be declared open at the time stated on the notices calling such meetings, or as soon after as a quorum is present.

2. PERMISSION FOR DISCUSSION

2.1 No discussion shall take place except on a motion or amendment, moved and seconded and put in writing, if so required by the Chairperson.

3. DETERMINATION OF FIRST SPEAKER

3.1 Any member wishing to speak shall indicate this to the Chairperson.

3.2 The Chairperson shall call upon speakers in the order of indication, and in the event of any dispute as to the order of indication shall have discretion to determine the order.

4. PRECEDENCE OF POINT OF ORDER

4.1 Any member speaking shall immediately cease if the Chairperson speaks, or if a point of order is raised, and shall not resume until the point of order is decided.

5. ORDER OF DEBATE

5.1 A motion or an amendment having been moved and seconded, debate may proceed, with the mover and seconder having the opportunity to speak first and second respectively.

5.2 Not more than two speakers shall follow successively on the same side of the question.

5.3 If two speakers have spoken on the same side of the question, and there is only one speaker to take the opposite view, the debate shall continue on the basis of one speaker on each side.

5.4 Debate shall cease when there is no speaker on one side or the other, at which time the question shall be put to the meeting after the mover has replied.

5.5 With the exception of the mover's right of reply a member shall not be entitled to speak more than once on any motion.

6. RIGHT OF REPLY

6.1 The mover of the original motion shall have a right of reply, which may be exercised before the motion or the motion as amended is put to the vote.

6.2 The exercise of the right of reply will close discussion.

6.3 New material must not be introduced by the mover of a motion when replying. Failure to comply with this limitation may result in forfeiture of the right of reply at the discretion of the Chairperson, or on a point of order taken by any member.

7. AMENDMENTS

- 7.1 Only one amendment may be dealt with at any one time.
- 7.2 No member shall propose more than one amendment upon a motion.
- 7.3 An amendment destroying or altering the intention of a motion shall be in order, provided that it is not a direct negative but an amendment relating to a different subject shall not be in order.
- 7.3 An amendment may be incorporated into a motion without debate or voting with the consent of the mover and seconder of the motion.
- 7.4 The mover of an amendment has no right of reply.
- 7.5 If an amendment is carried it shall be incorporated into the original motion and the original motion shall lapse. Debate shall then continue on the motion as amended.
- 7.6 Having dealt with an amendment, further amendments may be received, one at a time, until the motion is finally disposed of.

8. WITHDRAWAL OF MOTION OR AMENDMENT

- 8.1 The mover of a motion or an amendment may withdraw it with the consent of the seconder before it is debated.
- 8.2 If the motion or the amendment has been debated, the consent of the meeting must be obtained before it is able to be withdrawn.

9. TIME LIMIT SPEAKING TO MOTION

- 9.1 No member shall speak longer than five minutes on any question, except the mover of a motion, who shall have ten minutes to introduce the subject and five minutes for reply.
- 9.2 When four or nine minutes, as the case may be, of a speaker's time has expired, the Chairperson shall indicate the approaching expiration of time.
- 9.3 A meeting may by vote of a majority of the members present grant extension of time to any speaker.

10. INTERRUPTIONS AND EXPLANATIONS

- 10.1 A member who is speaking shall not be interrupted except for the purpose of raising a point of order.
- 10.2 Explanations shall be allowed when the member speaking has finished, but only to explain an actual misunderstanding, and the member making such explanation shall be prohibited from going into debate on the merits of the case.

11. UNBECOMING LANGUAGE

- 11.1 A speaker shall address the Chairperson, and discussion shall be confined to the question under consideration, avoiding personality or unbecoming language.

12. POINT OF ORDER

- 12.1** A member may at any time raise a point of order, which shall be that an action of either the Chairperson or another member is not in accordance with these Standing Orders.
- 12.2** Where a point of order is raised the Chairperson shall immediately suspend debate on the matter before the meeting, and after allowing the member an opportunity to explain the point of order, shall rule as to the validity of the point of order.
- 12.3** Subject to the use of Standing Order 14 the meeting shall then proceed in accordance with the Chairperson's ruling.

13. MOTION THAT QUESTION BE PUT

- 13.1** A motion, "That the question be now put", may be moved at any stage of debate on a motion or an amendment, and if seconded, shall be immediately put to the meeting without discussion.
- 13.2** If lost, the debate shall continue as if such motion had not been moved.
- 13.3** If carried, the motion or the amendment as the case may be, shall be voted upon without further discussion, except that in the case of a motion, the mover's right of reply may be exercised prior to the voting.
- 13.4** The motion, "That question be now put", may be moved any number of times during debate.

14. DISAGREEMENT WITH CHAIRPERSON'S RULING

- 14.1** When a motion "That the Chairperson's ruling be disagreed with", is moved and seconded, the Chairperson shall forthwith leave the Chair, and the debate on the original question then before the meeting shall be suspended.
- 14.2** The Deputy Chairperson shall then assume the Chair, and the motion shall be debated and decided.
- 14.3** If the motion is lost the Chairperson shall resume the Chair, and the meeting shall proceed in accordance with the original ruling.
- 14.4** If the motion is carried the Chairperson shall resume the Chair, and the meeting shall proceed in accordance with the meeting's decision on the Chairperson's original ruling.

15. DIVISION

- 15.1** On a request of not less than four (4) members, the Chairperson shall grant a division on any question before the meeting provided such request is made immediately following the declaration of the vote.
- 15.2** No member shall enter or leave the meeting whilst a vote or division is being taken; and all members must vote in the event of a division being taken.
- 15.3** The Chairperson may appoint a person or persons who are not participants in the meeting to assist with the counting of votes in a division.

16. EXERCISE OF CHAIRPERSON'S CASTING VOTE

- 16.1** The Chairperson shall have no deliberative vote on any matter which is before a meeting.

16.2 Where the voting for and against a motion or an amendment is equal the Chairperson shall immediately conduct a division.

16.3 If after the division the voting for and against the motion is still equal, the Chairperson exercise a casting vote which shall be conclusive as to the outcome of the matter.

17. SUBJECT DEALT WITH ONLY ONCE

17.1 Any matter which has been settled by vote, division or casting vote cannot be again entertained at the same meeting, or at any subsequent meeting unless the matter is listed in the notice convening such meeting.

18. DISORDERLY CONDUCT

18.1 If the Chairperson believes that the actions of any member during a meeting constitutes disorderly or improper conduct, the Chairperson shall first caution the member.

18.2 If the actions continue, the Chairperson may suspend the member from further participation in the meeting.

18.3 Alternatively, a member shall be suspended from further participation in a meeting on the basis of disorderly or improper conduct, if a motion to that effect is carried by the meeting.

19 CHAIRPERSON / DEPUTY CHAIRPERSON

19.1 For the purposes of this By Law **Chairperson** shall mean the CPSU, SPSF Group Victorian Branch President, and in the absence of the President the CPSU, SPSF Group Victorian Branch Vice President, and in the absence of the Vice President, another member of the Branch Council who is appointed by the meeting.

19.2 **Deputy Chairperson** shall mean the CPSU, SPSF Group Victorian Branch Vice President, and in the absence of the Vice President, another member of the Branch Council who is appointed by the meeting

20 SUSPENSION OF STANDING ORDERS

20.1 These Standing Orders may be suspended for any purpose if a motion to that effect is carried by the meeting.

20.2 Alternatively, the Chairperson may rule that Standing Orders be suspended for the purpose of the presentation of a report or an address to the meeting by any person.

21. FINAL RESORT FOR ALL USAGE

In all cases not provided for under these Standing Orders, resort shall be had to the rules, forms, and usages as specified in the publication **Guide to Meetings : N E Renton (Fifth Edition) (the Law Book Company Limited : 1990)**, which shall be followed to the extent that the rules, forms, and usages as specified are applicable to the proceedings of the Branch.

PROXY REPRESENTATION

1. APPLICATION

1.1 Proxy representation shall be permitted at meetings of the Branch Council according to the provisions of this By Law.

1.2 With the exception of meetings of the Branch Executive, members eligible to attend meetings of any other body constituted under the Branch Rules or By Laws may authorise another financial member to act as his/her proxy subject to such conditions as may be determined from time to time by the particular body.

2. ELIGIBILITY TO ACT

A person authorised to act as a proxy representative :

- (i) must be a financial member of the Branch, and
- (ii) may represent only one person, and either
- (iii) must also be a member of the Branch Council and notwithstanding this, would otherwise be eligible to hold the position held by the person being represented; or
- (ii) while not a member of the Branch Council is eligible to hold the position held by the person being represented.

3. ACTIONS

A person authorised to act as a proxy representative shall have all the rights and privileges of the person being represented provided that the proxy representative must act and/or vote in accordance with any written directions included in the proxy authorisation.

4. AUTHORISATION

A proxy authorisation must be in the form as specified in the Appendix to this By Law and must be provided to the chairperson or his/her nominee prior to the proxy representative being admitted to the meeting.

**CPSU, SPSF GROUP VICTORIAN BRANCH
BRANCH COUNCIL PROXY AUTHORISATION**

I,..... (Name)

authorise (Name)

to act as my proxy representative at the meeting/s of the Victorian Branch Council

to be conducted on (Date/s)

I certify that the above named person is eligible to act as my proxy representative under the Victorian Branch Rules and By Laws.

I instruct the above named person to act and / or vote in accordance with the following directions :

.....
.....
.....
.....
.....

Signature

Date

BRANCH ORGANISATION

1. ESTABLISHMENT

- 1.1** The Branch Council may, upon the application of any group of members or of its own volition, approve of the formation of organisational units within the Branch to be known as Branch Sections.
- 1.2** The Branch Council shall approve of the formation of a Branch Section only if it is satisfied that the formation of such a Branch Section will serve the best interests of the Branch and of the members concerned.
- 1.3** The membership of a Branch Section shall be determined by the Branch Council and may be made up of either :
- a. members employed by a particular employing body, grouping of employing bodies, a sub unit of an employing body, or a grouping of sub units of an employing body, or
 - b. members whose work location is within a specified area outside the Melbourne Metropolitan area, or
 - c. members of a particular occupational category.
- 1.4** No member shall be a member of more than one Branch Section except
- a. in the case of a member of a Branch Section constituted according to Clause 1.3 b, who may also be a member of a Branch Section constituted according to Clause 1.3 a, or
 - b. in the case of a member of a Branch Section constituted according to Clause 1.3 c, who may also be a member of a Branch Section constituted according to Clause 1.3 a.
- 1.5** The title and membership of a Branch Section shall be determined by the Branch Council.
- 1.6** Each Branch Section shall be constituted and shall operate according to this By Law provided that the Branch Council may approve of any Branch Section being constituted and operating according to alternative provisions in relation to the composition of the Branch Section office bearers.

2. BRANCH SECTION COMMITTEES

- 2.1** Each Branch Section shall be managed by a Branch Section Committee which shall comprise :
- a. the Branch Section office bearers, comprising a Convenor, Deputy Convenor Secretary, and
 - b. any member of the Branch Section who is a member of the Branch Council, and
 - c. representatives of each Sub Section established under Clause 3, elected by and from the members of the respective Sub Sections, and / or representatives elected by and from the members of the Branch Section, and

d. such other members of the Branch Section as determined by the Branch Committee.

2.2 The Branch Section office bearers shall be elected either :

- a. by and from the members of the Branch Section, or
- b. by and from the members of the Branch Section Committee.

2.3 Initial elections to determine the members of a Branch Section Committee shall be held as soon as possible after the approval of the formation of a Branch Section, and the Committee members so elected shall hold office until their successors take office under clause 2.4.

2.4 Subsequent elections shall be held at times which will enable Committee members to hold office for a period of either :

- a. one year, in which case the term shall commence on 1 July in each year and expire on 30 June in the following year, or
- b. two years, in which case the term shall commence on 1 July in each even numbered year and expire on 30 June in the following even numbered year.

2.5 The functions of Branch Section Committee shall be :

- a. to perform such acts and to deal with matters referred to it by the Branch Council, the Branch Executive or the Branch Secretary,
- b. to deliberate , make decisions and take actions on matters which concern members of the Branch Section only,
- c. to make recommendations as appropriate to the Branch Council, or the Branch Executive,
- d. to receive reports from and to liaise with industrial staff assigned to areas covered by the Branch Section,
- e. to establish Sub Sections within the Branch Section,
- f. with the exception of a Branch Section constituted according to Clause 1.3 b, or Clause 1.3 c to establish and maintain a network of Workplace Representatives within the Branch Section, and to prescribe the area of coverage of such representatives.
- g. to make rules for the operation of the Branch Section in relation to matters not covered by this By Law.

3. SUB SECTIONS

3.1 A Branch Section Committee may establish Sub Sections within a Branch Section, on an occupational, regional or location basis, and may make rules for the operation of such Sub Se

3.2 A Branch Section Committee shall establish such Sub Sections as directed by the Branch Council.

4. WORKPLACE REPRESENTATIVES

4.1 Where a Branch Section establishes a network of Workplace Representatives within the Branch Section, the functions of the Workplace Representatives shall be as follows :

- a. to promote the objects of the union in their area of coverage.
- b. to hold meetings of members in the workplace to discuss matters of common interest, and to refer matters arising from the meetings to the Branch Secretary, Branch Industrial Staff or to the Branch Section Committee as appropriate.
- c. to liaise with and to provide assistance to Branch Industrial Staff assigned to their area of coverage.
- d. to make representations to local management and take actions in accordance with Branch policy and rules to resolve matters affecting members in the workplace.
- e. to distribute written material authorised by the Branch to members in the workplace, and to promote knowledge and understanding of Union policies and activities.
- f. to recruit potential members with the aim of achieving 100 per cent financial membership of those eligible to join.
- g. to perform such other functions as determined by the Branch Council or the Branch Section Committee.

5. GENERAL MEETINGS OF BRANCH SECTIONS

5.1 A general meeting of a Branch Section shall be convened on the basis of :

- a. a direction from the Branch Council, the Branch Executive or the Branch Secretary, or
- b. a resolution of two thirds of the members present and voting at a meeting of the Branch Section Committee, or
- c. a requisition signed by at least 5% of the Branch Section membership.

5.2 A decision of a general meeting of a Branch Section shall prevail over a decision of a Branch Section Committee, and is binding on the Branch Section, subject to the discretion of the Branch Council.

6. CONSTITUTION

6.1 Each Branch Section shall develop a Constitution prescribing its functions, structure, office bearers, and any other relevant matter.

6.2 Except where alternative provisions have been approved by the Branch Council, the Constitution of a Branch Section shall be consistent with the provisions of this By Law.

6.3 The Constitution of a Branch Section shall have no effect unless it has been endorsed by the Branch Council.

6.4 Proposed variations to the Constitution of a Branch Section may be submitted to the Branch Council by a Branch Section Committee and shall have no effect unless they have been endorsed by the Branch Council.

7. ELECTIONS / RETURNING OFFICER

7.1 Initial elections conducted for the purposes of establishing Branch Section Committees shall be conducted according to a method determined by the Branch Council, and

subsequent elections shall be conducted according to a method determined by the relevant Branch Section Committee.

- 7.2** The returning officer for such elections shall be appointed by the Branch Secretary, and shall be a person who is not a member of the relevant Branch Section.

8. REGISTER

- 8.1** The Branch Secretary shall maintain a register which shall contain the title, details of membership, and the Constitution of each Branch Section established under this By Law.

9. TRANSITIONAL PROVISIONS

- 9.1** As of the commencement of this By Law, any Industry Section and any Country Branch established under the rules of the State Public Services Federation (Victoria) prior to the commencement of this By Law shall be deemed to be a Branch Section.

Such Branch Sections shall :

- a. submit a constitution consistent with this By Law to the Branch Council for approval no later than 1 January 1997, and
 - b. no later than 1 March 1997, elect a Branch Section Committee which shall remain in office until its successor Committee is elected according to Clause 2.3.
- 9.2** As of the commencement of this By Law the members allocated to Electorate 11 under Rule 9.12 of the Victorian Branch rules shall be deemed to be a Branch Section and shall operate under the current constitution of the SPSF(V) Retired Officers Division, and with the office bearers as elected in June 1996.

RETIRED OFFICERS DIVISION

1. ESTABLISHMENT

- 1.1** Under CPSU, SPSF Group Rule 24A, the Branch Council makes 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, such persons having retired either on the grounds of age or ill health, or
 - b. widows or widowers of persons who prior to retirement or death were members of the Union or were Associates of the Branch.

2. NAME

- 2.1** The Associates of the Branch enrolled under clause 1 of this By Law shall be known collectively as the Victorian Branch Retired Officers Division, hereafter referred to as the Division.

3. FUNCTIONS

- 3.1** The Division shall have the following functions :
- a. to perform such acts and deal with such matters as are referred to it by the Branch Council, the Branch Executive or other body constituted under the Branch Rules ;
 - b. deliberate and make decisions on matters that are within the province of the Division and do not cut across the decision making powers of the Branch Council, the Branch Executive or other body constituted under the Branch Rules ;
 - c. make recommendations, as appropriate, to the Branch Council, the Branch Executive or other body constituted under the Branch Rules;
 - d. to promote membership of the Division,
 - e. to foster the interests of all members in accordance with CPSU / SPSF group Rules and By Laws.

4. RIGHTS, SERVICES AND FACILITIES

- 4.1** In accordance with CPSU, SPSF Group Rule 24A the members of the Division shall not be entitled to any of the rights of membership of the CPSU, SPSF Group.
- 4.2** The Victorian Branch shall provide members of the Division with the following services :
- a. such advice, assistance or representation as may be reasonably necessary in relation to matters of concern to Division members, and
 - b. access to ancillary services available to members of the union to the extent that such services are relevant, including but not limited to, legal services, financial planning services, counselling, and discount schemes.
- 4.3** The Victorian Branch shall provide members of the Division with the following facilities :

- a. such office space, equipment, and meeting facilities as may be reasonably necessary for its efficient functioning, and
- b. assistance in the preparation and distribution of such documents, records, correspondence or publications as may be reasonably necessary for its efficient functioning.

5. SUBSCRIPTIONS

- 5.1 In accordance with CPSU, SPSF Group Rule 24A, B(i), the Branch Council determines that the subscriptions for members of the Division shall be the amount of \$20.00 per year.
- 5.2 Retired Officers Division subscriptions shall be due and payable on 1 July in each year.

6. OFFICE BEARERS

- 6.1 The Division shall elect by and from its membership the following Office Bearers:
 - a. President
 - b. Vice Presidents (1 senior, 1 junior)
 - c. Secretary/Treasurer
 - d. Committee Members (3)
 - e. Superannuation Representative.
- 6.2 The office bearers shall hold office for 12 months.
- 6.3 The names of the members elected as office bearers shall be forwarded to the Branch Secretary immediately after their election.

7. ELECTION OF OFFICE BEARERS

- 7.1 Election of the office bearers shall be conducted by a returning officer appointed by the Branch Secretary at the Annual General Meeting of the Division in June each year and shall be the first item of business.
- 7.2 The call for nominations for the election of office bearers shall be included in the Notice of Annual General Meeting. Nominations must be in the hands of the returning officer no later than the commencement of the Annual General Meeting, provided that the returning officer shall be available to receive nominations at the Annual General Meeting venue for no less than 1 hour prior to the commencement of the meeting.
- 7.3 Voting shall be by show of hands, in the absence of the candidates if there is more than one nomination for a position or, with the consent of the meeting, by secret ballot.
- 7.4 Proxy voting shall be permitted provided that the member holding the proxy submits an authorisation indicating the election/s for which the proxy is assigned, signed by the member assigning the proxy vote, to the returning officer prior to the conduct of the election/s.
- 7.5 In the event of a casual vacancy in any of the Office Bearer positions the Executive Committee shall appoint a member to fill the position for the remainder of the term.

8. FUNCTIONS OF OFFICE BEARERS

The President shall preside over all meetings of the Division at which he/she is present and shall be the official spokesperson of the Division.

The Vice Presidents shall assist and President and, in the absence of the President, the senior of the two Vice Presidents at a meeting shall perform the functions of President.

The Secretary/Treasurer shall keep records of all meetings, conduct correspondence, keep records of financial matters and perform other duties as directed by the President of the Division.

The Committee Members shall assist the other Office Bearers and shall participate in the deliberations of the Executive Committee.

The Superannuation Representative shall be responsible for attending meetings of committees or advisory bodies established under the Victorian Branch Rules which deal with superannuation matters

9. EXECUTIVE COMMITTEE

- 9.1** The Division office bearers, plus the persons elected under Rule 11.12 of the Victorian Branch Rules, (the Division Branch Councillors) shall make up the Division Executive Committee, which shall be a Standing Committee for the purposes of CPSU, SPSF Group Victorian Branch Rule 15.
- 9.2** The function of the Executive Committee shall be to advise the membership of the Division and to execute its policies.
- 9.3** The Executive Committee shall meet quarterly, on the first Tuesday in February, May, August and October, provided that a special meeting of the Executive Committee may be called by the President and two other office bearers.
- 9.4** The quorum for a meeting of the Executive Committee shall be a majority of the Executive Committee members.
- 9.5** The Branch Secretary shall assign a member of the staff of the Branch to be responsible for :
- a. attending meetings of the Division Executive Committee, General Meetings and the Annual General Meeting, and providing reports and advice to such meetings, and
 - b. providing advice and assistance to the Division Office Bearers, and
 - c. acting as a liaison officer between the Division and the Branch Officers.
- 9.6** The Division Branch Councillors shall report to the Division Executive Committee and to quarterly meetings of members on matters raised at Branch Council meetings.

10. GENERAL MEETINGS

- 10.1** There shall be a General Meeting of the Division held on the first Tuesday in March, June, September, and December.
- 10.2** General Meetings shall consider any matters referred by the Executive Committee, formulate policy and instruct the Executive Committee.
- 10.3** The quorum for a General Meeting shall be 3 per cent of the membership.
- 10.4** The Annual General Meeting shall be the General Meeting held in June.
- 10.5** The quorum for the Annual General Meeting shall be 3 per cent of the membership.

10.6 A Special General Meeting shall be convened either by a resolution of the Executive Committee, or on receipt of a request signed by no less than 10 per cent of the Division membership.

10.7 The quorum for a Special General Meeting shall be 5 per cent of the membership.

11. SUB COMMITTEES

11.1 The Executive Committee may establish Sub Committees, the functions of which shall include investigation of matters referred by the Executive Committee, and reporting back to Executive Committee on those matters.

11.2 Sub-Committees shall have such numbers and such areas of coverage as determined by the Executive Committee.

12. BRANCH COUNCIL REPRESENTATIVES

12.1 Subsequent to the election of the new Victorian Branch Council in 2000, the Division shall be entitled to nominate representatives to the Victorian Branch Council.

12.2 The Division Branch Council representatives shall be entitled to attend meetings of the Branch Council with speaking rights but without voting rights.

12.3 The number of such representatives shall be the number of representatives the Division would be entitled to if it were able to be constituted as a Branch Electorate under the Victorian Branch Rules.

13. ALTERATION OF THIS BY LAW

13.1 This By Law may be altered by the Branch Council either :

a. at the request of the Division Executive Committee following a resolution to that effect from a General Meeting, or

b. of its own volition.

13.2 A proposal to alter this By Law under clause 13.1 b. shall not be voted on by the Branch Council until such time as the proposal has been considered by a General Meeting of the Division and any submissions or resolutions from the Division have been referred to and properly considered by the Branch Council.

14. OPERATION OF THIS BY LAW

14.1 This By Law shall cease to operate in the event that the Branch Council passes a resolution recognising that members of the Division are entitled to unrestricted membership of the CPSU, SPSF Group either under the eligibility rule of the union or in some other manner in accordance with the rules of the union.

LIFE MEMBERSHIP AND CERTIFICATES OF MERITORIOUS SERVICE

1. GENERAL

- 1.1 For the purposes of this By Law, **the union** shall mean the CPSU, SPSF Group Victorian Branch, or any present or past Associated Body of the CPSU, SPSF Group Victorian Branch.

2. LIFE MEMBERSHIP

- 1.1 In accordance with Rule 7 of the CPSU, SPSF Group rules the Branch Council may recommend to the Federal Council that any member be elected an honorary life member of the CPSU, SPSF Group for valuable and distinguished service.

3. NOMINATIONS FOR LIFE MEMBERSHIP

- 3.1 The Branch Secretary may receive written nominations to confer Life Membership on any person who is either a current financial member or has been a financial member within the past two years from any member, or from any body constituted under the Branch Rules or By Laws.
- 3.2 A nomination for Life Membership shall contain such information in relation to the nominee as is necessary to enable the Branch Council to determine whether the criteria specified in Clause 4 have been met.
- 3.3 Upon receipt of a nomination, the Branch Secretary shall refer the nomination to the earliest convenient Branch Council meeting for consideration, provided that no more than 1(one) such nomination shall be referred to the Branch Council in any calendar year.
- 3.4 Any nomination which is not able to be referred to the Branch Council due to the operation of Clause 3.3 shall be held over until such time as it is able to be referred for consideration.

4. CRITERIA FOR LIFE MEMBERSHIP

- 4 1 In consideration of a nomination, the Branch Council shall not make a recommendation to the Federal Council that a member be elected an honorary life member of the CPSU, SPSF Group unless it is satisfied that the nominee :
- a. has served the union as an elected official, or in some other official capacity, or as an employee for a period of not less than 15 years, or
 - b. has given the union valuable and distinguished service in that he or she has made an outstanding contribution to the furtherance of the aims and objectives of the union.

5. CERTIFICATE OF MERITORIOUS SERVICE

- 5.1 The Branch Council may determine that any member be awarded a Certificate of Meritorious Service for valuable and distinguished service.

6. NOMINATIONS FOR CERTIFICATES OF MERITORIOUS SERVICE

- 6.1** The Branch Secretary may receive written nominations to award a Certificate of Meritorious Service to any person who is either a current financial member or has been a financial member within the past two years from any member, or from any body constituted under the Branch Rules or By Laws.
- 6.2** A nomination for a Certificate of Meritorious Service shall contain such information in relation to the nominee as is necessary to enable the Branch Council to determine whether the criteria specified in Clause 7 have been met.
- 6.3** Upon receipt of a nomination, the Branch Secretary shall refer the nomination to the earliest convenient Branch Council meeting for consideration.

7. CRITERIA FOR CERTIFICATES OF MERITORIOUS SERVICE

- 7.1** In consideration of a nomination, the Branch Council shall not award a Certificate of Meritorious Service unless it is satisfied that the nominee :
- a. has served the union as an elected official, or in some other official capacity, or as an employee for a period of not less than 5 years, or
 - b. has given the union valuable and distinguished service in that he or she has made an outstanding contribution to the furtherance of the aims and objectives of the union.