

13.19 State Management Committee Finance:

The State Management Committee shall have control of the property in the State and, in addition to the provision of Rule 7, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions entrance fees and fines collected.

13.19.1 Each sub-branch shall retain in a sub-branch bank account a sum determined by the State Management Committee from which it shall pay all accounts covered by these rules and the State Management Committee shall reimburse this sub-branch account as required by the sub-branch to restore the account to the original sum.

13.19.2 The State Management Committee may disperse moneys for the purposes set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in his/her absence the Acting State Secretary). No donation exceeding \$200 shall be made without the approval of the State Executive Committee.

13.20 Affiliation:

The State Management Committee shall have the power to affiliate with any industrial, educational or political organisations within the State over which they have jurisdiction, provided such affiliation is sanctioned by a majority of the members voting. Such affiliation shall not interfere with the personal rights of the member's political code.

13.21 District committees may be formed and shall have local autonomy in such matters as the full State Committee may determine.

13.22 Delegating powers:

In the event of a dispute arising, no official of this union shall interview the management with whom our union is in dispute on any contract unless accompanied by at least one member actively concerned in the dispute.

13.23 Trustees:

The State Management Committee shall elect from among their members four trustees, any two with the State Secretary, or in the latter's absence, on of the State Assistant Secretaries to operate.

13.23.1 The property and finances of the Union shall be vested in the names of the four trustees.

13.23.2 The funds of the Union shall be banked in the manner prescribed in rule 9.

13.23.3 On a written authority, signed by the State President and the State Secretary, any two of the four Trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive, in accordance with these rules. Such cheques shall be countersigned by the State Secretary.

13.23.4 The trustees shall have all powers and immunities conferred on such trustees by Statute.

13.24 Returning Officer and Scrutineers:

The State Management Committee shall appoint a returning officer and two scrutineers who shall not hold any office in, and not be an employee of, the organisation, Sub-Branch, section or division of the organisation, to conduct all required ballots, including the quadrennial ballot; that, after applications for the position have been called through all sub-branches of the union. The appointment shall be made by a majority vote of members of the State Management Committee at its last meeting prior to the quadrennial ballot.

13.24.1 Returning Officers may at any time in writing resign their position and shall resign if they desire to become a candidate at any elections held under the rules of the union.

- 13.24.2 Any casual vacancy of Returning Officer shall be filled by the State Management Committee. Nomination for the position shall be called for by the State Management Committee, by notification in the union journal or the daily newspaper circulating in the capital city and in each sub-branch or district area at least twenty-eight (28) days before the closing of nominations.
- 13.25 Election of delegates:
- The State Management Committee shall also elect delegates to the Australian Council of Trade Union's Congress, the Trades and Labor Council, the Queensland Building Trades Group and other such bodies.
- 13.26 Elections by State Management Committee:
- In any election by the State Management Committee the following procedure shall be observed:
- 13.26.1 If all State Management Committee members are in attendance at the State Management Committee meeting at which the election is to be held, viz. in the case of the State Vice-Presidents and the Trustees during the month of July following the quadrennial elections, and in the case of other positions as may be determined by the State Management Committee, nominations shall be called and a ballot shall be held.
- 13.26.2 A member of the State Management Committee unable to attend the meeting of the State Management Committee at which an election was to have been held and who desires to nominate himself or some other qualified person for a position may do so by written notification to the State President. Such notification shall be sent to the State President not later than the time fixed for the commencement of the meeting.
- 13.26.3 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a reasonable period.

- 13.26.4 The Returning Officer shall obtain sufficient ballot papers and envelopes for the election. The Returning Officer shall have a booth arranged so constructed as to enable the voter to mark his/her ballot paper without the names for which such delegate voted being seen.
- 13.26.5 The Returning Officer shall initial all ballot papers which shall not bear any other distinguishing mark. The Returning Officer shall provide for the voters identical means of marking the ballot papers. The Returning Officer shall issue to each voter a ballot paper and an envelope. The voter, after marking the ballot paper, shall place same in the ballot box provided by the Returning Officer for such purpose. Such ballot box may be inspected and/or sealed by any members of the State Management Committee or candidate.
- 13.26.6 Voting shall close one hour after the commencement of the meeting or at such times as all State Management Committee members have voted.
- 13.26.7 The Returning Officer shall thereupon open the ballot box and in the presence of the State Management Committee members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.
- 13.26.8 In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his/her vote which of the candidates is elected.
- 13.26.9 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.
- 13.26.10 Should a vacancy occur in any of the above positions, the State Management Committee may fill the position within one month; but if the term remaining is more than twelve (12) months, and the State Management Committee desires to fill the position, an election shall be held to fill the vacancy. In any such election, provisions of this rule shall apply with any necessary modifications.

- 13.26.11 Where the State Executive decides not to convene a meeting for the purposes of filling a casual vacancy, a postal ballot of all members of the State Management Committee shall be held.
- 13.26.12 In such election the Returning Officer shall immediately post to each State Management Committee member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office box marked on the envelope.
- 13.26.13 On the morning of the eighth day following the dispatch of the ballot papers by the Returning Office, the Returning Officer and the scrutineers appointed by the State Management Committee shall collect the ballot papers from the Post Office box and then proceed to the union office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.
- 13.26.14 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.
- 13.26.15 The State Management Committee shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Union to act as scrutineer on his/her behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.
- 13.26.16 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.
- 13.26.17 In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.
- 13.26.18 Scrutineers shall, as far as practicable, be present at all stages of the ballot.
- 13.26.19 They shall obey any directions given to them by the Returning Officer.

- 13.26.20 If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

14. DUTIES OF STATE SECRETARY

- 14.1 The State Secretary shall be under the control of the State Management Committee and may be authorised by the State Management Committee to incur expenditure on behalf of the Union. Provided that the State Management Committee may withdraw such authorisation at any time or for any period it sees fit.

All expenditure incurred by this authorisation shall be placed before the State Management Committee for consideration and ratification.

- 14.1.1 The State Secretary shall be the registered State officer to sue or be sued on behalf of the union in the State in regard to any legal matter within the State in which the State Management Committee has jurisdiction.
- 14.1.2 The State Secretary shall keep a correct record of the members in the State and shall, when instructed by the State Management Committee sue for the recovery of arrears of contributions or other monies due to the union by the members in the State.
- 14.1.3 The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the union, and separate accounts of receipts from all sub-branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Industrial Relations Act 1990 - 1992 and amendments thereof.
- 14.1.4 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with rule 14.1.6.
- 14.1.5 The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

- 14.1.6 Arbitration Commission and Wages Boards: The State Secretary shall attend to all Arbitration Commission hearings, Wages Boards and the Arbitration Court, and other legal matters coming within the jurisdiction of the State Management Committee.
- 14.1.7 The State Secretary shall keep all books and documents necessary to a proper working of the office of the State Management Committee and shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the State Management Committee, and shall send a copy to the sub-branches over which the State Management Committee has jurisdiction.
- 14.1.8 The State Secretary shall prepare and forward to the Industrial Registrar all returns required by law, and shall notify the Industrial Commission in the prescribed manner the existence or likelihood of industrial disputes by holder or holders of office in the union.
- 14.1.9 Neglect of duty:
- Should the State Secretary fail to carry out his/her duties to the satisfaction of the State Management Committee he/she may be dealt with by such committee in the manner prescribed in rule 8.
- 14.1.10 Resignation or removal:
- In the event of the State Secretary desiring to resign, the State Secretary shall give at least one month's notice or be fined ten dollars (\$10). Upon resigning or being removed from office, according to rule 8 the State Secretary shall, within seven (7) days, deliver up to whatever person the State Management Committee may appoint, all books, documents and other property of the union then in the State Secretary's possession. Before the books are handed over to his/her successor in office they shall be audited.

15. DUTIES OF ASSISTANT SECRETARIES

- 15.1 The Assistant State Secretaries shall work under the direction of the State Management Committee and the State Secretary. They shall assist the State Secretary in the carrying out of the duties set out in rule 14 and one shall act as the Acting State Secretary in the absence of the State Secretary as directed by the State Management Committee. He/she shall be subject to rules 14.1.8 and 14.1.9.
- 15.1.1 An Assistant State Secretary shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee.
- 15.1.2 The State Management Committee shall not less than two (2) months prior to the closing of nomination as prescribed in Rule 18, determine number (if any) of Assistant State Secretaries to be elected.

16. POWERS AND DUTIES OF SUB-BRANCHES

- 16.1 For the convenience of members, sub-branches may be opened in any town in the State. No sub-branch shall be opened without the consent of the State Management Committee. Each sub-branch shall have power to elect its own officers and with the consent of the State Management Committee generally control its own business.
- 16.2 When disbanded:

In no case shall any sub-branch close or disband without the authority of the State Management Committee in which case all cash or other property shall be handed over to the State Management Committee.
- 16.3 Visiting members:

Members of any sub-branch may visit any other sub-branch on production of their financial card and with the permission of the sub-branch may speak on any question before the sub-branch but shall not vote.

16.4 Clearances:

Any member entering a sub-branch by clearance shall not have a vote in that sub-branch until his/her clearance has been accepted by such sub-branch.

16.5 Sub-branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of rule 16.29 and all arrears of contributions shown on the clearance card sent from a sub-branch in one State to a sub-branch in another State shall be collected and retained by the sub-branch to which the members have been transferred.

16.6 Each sub-branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of union property provided the State Management Committee is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

16.7 Interpretation of rules:

Should any rules require interpretation, or be not clearly defined, they shall be sent to the State Management Committee for their decision. All such decisions shall be inserted in the minute book of the sub-branch.

16.8 Resolutions to State Management Committee:

Resolutions to the State Management Committee shall be submitted in writing to the Sub-Branch President, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the State Management Committee.

16.9 Correspondence confidential:

All communications or copies of correspondence from the State Management Committee shall remain the property of the union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the State Management Committee.

16.10 Sub-branches allowed:

In all cities and towns there shall be only one sub-branch and no other sub-branch shall operate within a radius of eight kilometres of the meeting place of such sub-branch except with the consent of the State Management Committee.

16.11 Sub-branch officers:

Sub-branches shall elect the Sub-Branch Committee. The Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-branches with more than 100 members may also elect a money steward and door keeper. The Sub-Branch Secretary may appoint sick stewards as they are required.

16.12 Any member neglecting the duties for which he/she is elected shall, unless a satisfactory apology is furnished, be fined by his/her sub-branch or the State Management Committee any amount not exceeding ten dollars (\$10).

16.13 Meetings: When held:

Sub-branches of the union shall meet at least by monthly to transact business and the time of opening and closing the sub-branch meeting shall be at the discretion of each sub-branch.

16.14 The books of each sub-branch shall be sent each half-year to the State Office for audit.

16.15 Sub-branches shall have power to strike a levy of not more than \$4 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the sub-branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding \$4 per annum on a member.

- 16.16 Any member residing within a five kilometre radius of the meeting place of the sub-branch who fails to attend a summoned meeting shall be fined a sum not exceeding \$10.00 unless a satisfactory excuse is tendered.
- 16.17 The Sub-Branch President and Secretary, on a requisition signed by ten per centum of the members of the sub-branch shall call a special meeting of the sub-branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.
- 16.18 Sub-branch by-laws shall be registered under the "Queensland Industrial Relations Act 1990 - 92" (and amendments thereof). The precise location of all meetings at which the business of the sub-branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Industrial Registrar.
- 16.19 Sub-Branch President:
- The Sub-Branch President shall preside at all meetings of the sub-branch and sub-branch committee, and shall conduct business according to the rules laid down for his/her guidance. If the Sub-Branch President is not present at the time of opening the meeting the Vice-President shall take the chair. Should the Vice-President be absent, the members shall elect a chairman pro tem. He/she shall not enter debate on any question, but shall endeavour to bring the business to a speedy and successful issue. He/she shall have a deliberate vote only.
- 16.19.1 Bank book: countersign orders for payments; branch resolutions:
- The Sub-Branch President shall sign the sub-branch minutes of the previous meeting, after they have been confirmed by the sub-branch. The Sub-Branch President shall examine the sub-branch bank book each night (when such book is not held by the bank) and report to the sub-branch the result of each banking transaction, the record to be inserted in the minute book. The Sub-Branch President shall countersign all orders for payment of money authorised by the sub-branch, and all orders for remittances to the State Management Committee when requested to do so by the State Secretary, and for capitation fees due to the State Management Committee under rule 13.19.1. The Sub-Branch President shall also cause to be recorded in the minute book the number voting for and against

all suggestions for alteration of rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

16.20 Sub-Branch Secretary:

16.20.1 Correspondence; keep account of income and expenditure; clearances:

The Sub-Branch Secretary shall attend all meetings of the sub-branch or committee. The Sub-Branch Secretary shall conduct all correspondence and take the minutes of committee meetings. He/she shall be responsible for the collecting of contributions, fines, and other money due to the union by members of his/her sub-branch.

16.20.2 The Sub-Branch Secretary shall keep a clear and correct account of all receipts and expenditure in connection with the sub-branch. The Sub-Branch Secretary shall register carefully the name, age and residence of every member, and shall within one month, forward to the State Secretary correctly filled in registration cards for all members admitted into the sub-branch, and also transfer cards for all members leaving the sub-branch. The Sub-Branch Secretary shall also notify the State Secretary of all resignations and deaths.

16.20.3 Balance Sheets:

The Sub-Branch Secretary shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State Management Committee within seven days after the half-yearly meeting. The Sub-Branch Secretary shall close his/her books at the end of January and July each year. Contributions for the next half year shall be due and payable at the end of March and September each year. The Sub-Branch Secretary shall give every facility to the auditors to examine all books and papers in connection with the sub-branch. He/she shall read out to the sub-branch meeting a cash account. The Sub-Branch Secretary shall be the custodian of the official stamp of the sub-branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he/she is personally or financially interested.

- 16.20.4 Half-Yearly Summons
- The Sub-Branch Secretary shall supply all necessary advice to the State Office to enable it to advise the sub-branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year. The State Secretary shall forthwith notify all sub-branch members thereof. He/she shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the sub-branch may be called as decided by the sub-branch. The Sub-Branch Secretary shall perform all clerical and other duties appertaining to the position of the Secretary.
- 16.20.5 All sub-branch meetings called in accordance with this sub-clause shall be held at the place fixed by rule 16.18 for conduct of the business of the sub-branch.
- 16.20.6 Suspended members:
- Members who owe one year's arrears of contributions shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the sub-branch.
- 16.20.7 Clearances and Transfers:
- The Sub-Branch Secretary shall accept all clearances (that are permitted) from other unions, also transfers from other sub-branches or other States, and shall issue transfers for any members applying for same. The Sub-Branch Secretary shall also transfer all members who do not comply with rule 16.29.2 to the sub-branches nearest to which they reside.
- 16.20.8 Sub-branch Secretaries obtaining the transfers of members from other States or other unions shall immediately fill in a duplicate card and forward same to the State Office.
- 16.20.9 Pay benefits
- The Sub-Branch Secretary shall pay all benefits according to rules 21 and 22 and may be made to refund all expenditure that is made contrary to the provisions of these rules.

16.20.10 Resignation or removal:

In the event of resigning the Sub-Branch Secretary shall give one month's notice, or be fined \$1, except in the case of illness or removal from the town.

16.20.11 On the Sub-Branch Secretary's resignation or being removed from office, or on demand of the State Management Committee, or whomsoever they may authorise, the Sub-Branch Secretary shall, within seven days, deliver up all books, documents and property of the said sub-branch to the State Management Committee or Trustee. Before the books are handed over to his/her successor in office they shall be audited.

16.20.12 Neglect of duty:

Should the Sub-Branch Secretary fail to carry out any of his/her duties to the satisfaction of the sub-branch, the sub-branch shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of rule 16.12.

16.21 Vice-President:

The Vice-President shall record the minutes of all sub-branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

16.22 Doorkeeper:

The doorkeeper shall attend at the opening time of each sub-branch meeting, and shall assist the Sub-Branch President in maintaining order by keeping the door closed whilst any member is addressing the meeting; and shall not admit any disorderly member into the room; neither shall he/she admit anyone who is not a member or who is not a candidate.

16.23 Sub-branch finances:

16.23.1 The funds of each sub-branch shall be banked as provided in the rules.

16.23.2 On a written authority signed by the Sub-Branch President and Sub-Branch Secretary any two members of the Sub-Branch Committee shall sign cheques for payment of accounts for expenditure, in conformity with the rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

16.24 Sub-Branch Committee:

In every sub-branch there shall be a committee elected in accordance with rule 16.11 which shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a deliberate vote only. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next sub-branch meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the union the sub-branch committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the State Management Committee and its decision conveyed to the sub-branch. They shall hear and decide all cases of appeal from a member against an officer of the sub-branch. Any member of a sub-branch committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his/her seat, and the sub-branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an agenda and making a report of the half-year's work for the half-yearly meeting of the sub-branch.

16.25 Sick stewards:

Sick stewards shall, when instructed by the sub-branch Secretary visit any member who is sick or who has met with an accident, and report to the next sub-branch meeting.

16.26 Sub-Branch Returning Officer and Scrutineers:

The Sub-Branch Committee shall appoint a Sub-Branch Returning Officer and two scrutineers who shall not hold any office in, and not be an employee of, the organisation, branch section or division of the organisation to conduct all required ballots. The appointment shall be made by a majority vote of Sub-Branch Committee members at the first meeting of the Committee immediately following the yearly Sub-Branch elections.

16.26.2 Provided that should any vacancy occur in these positions the Sub-Branch Committee shall be empowered to fill such vacancy.

16.27 Money Stewards:

The money stewards shall attend the half-yearly sub-branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

16.28 Election of Sub-branch officers

16.28.1 The election for Sub-branch officers shall be held in March of each year of the State Management Committee elections and be under the control of the Sub-Branch Returning Officer assisted by the Scrutineers.

16.28.2 The Sub-branch Returning Officer shall call nominations for all Sub-branch positions by notification in a newspaper circulating in the Sub-branch area at least thirty-five (35) days prior to the March Sub-branch meeting.

16.28.3 Nominations shall be in writing and be signed by two financial members. The person nominating must be a member of the Sub-branch and financial no later than fourteen (14) days prior to nominations being called.

16.28.4 No member shall be a candidate for two or more offices that, if elected to, shall be unable to hold at the one time.

16.28.5 Nominations shall close twenty-one (21) days prior to the March Sub-branch meeting.

- 16.28.6 Should only sufficient nominations have been received by the Sub-Branch Returning Officer for the positions, as advertised, the Sub-Branch Returning Officer shall declare the person or persons so nominated as elected and supply forthwith a declaration of the ballot to the Sub-Branch Secretary, a copy of which shall be forwarded to the State Secretary.
- 16.28.7 Should there be more valid nominations than the number required to fill the vacancies the Sub-Branch Returning Officer shall conduct a ballot which shall be held at the March yearly meeting.
- 16.28.8 Fourteen (14) days prior to such ballot taking place the Sub-Branch Returning Officer shall publish in a newspaper circulating in the Sub-branch area a list of positions vacant, the names of persons nominating for each position/positions, the date and time of the ballot, and notifying all financial members they are eligible to vote either in person at the meeting or by application to the Sub-Branch Returning Officer for an absentee vote.
- 16.28.9 The Sub-Branch Returning Officer shall procure sufficient ballot papers to enable each member to vote should they so desire. For such purpose the Sub-Branch Secretary shall provide the Sub-Branch Returning Officer with a list of financial members eligible to vote. Each such ballot paper issued shall be signed by the Sub-Branch Returning Officer.
- 16.28.10 The Sub-Branch Returning Officer, upon receipt of an application for an absentee vote, shall forward to the applicant in a sealed envelope a signed ballot paper and a stamped envelope addressed to the Sub-Branch Returning Officer.
- 16.28.11 All completed ballot papers must be in the hands of the Sub-Branch Returning Officer by 9 p.m. on the night of the March yearly meeting when the ballot shall close.
- 16.28.12 The absentee vote envelopes shall then be opened and those votes, together with the votes cast at the meeting, be counted under the supervision of the Sub-Branch Returning Officer and Scrutineers and the result declared immediately.
- 16.28.13 The person or persons obtaining the highest number of votes shall be declared elected.

- 16.28.14 The Sub-Branch Returning Officer shall submit a report to the Sub-Branch Secretary. A copy of same to be forwarded to the State Secretary, showing the number of ballot papers printed, the absentee vote applications, the number used and the names of the candidates with the vote of each recorded.
- 16.28.15 The ballot papers used and unused and the absentee vote applications shall be held for a period of twelve (12) months before being destroyed.
- 16.28.16 The Sub-branch committee shall be empowered to fill, by appointment, any vacancy or vacancies occurring in the period of twelve (12) months following the ballot for positions.
- 16.29 Duties of members:
- 16.29.1 No member shall call on or write to any Sub-Branch Secretary at the works where he/she is employed.
- 16.29.2 Members shall belong to the Sub-branch that meets nearest to their place of residence.
- 19.29.3 Members changing their residence shall inform the Sub-Branch Secretary in writing within three months of such change of address.
- 16.30 Misconduct of members:
- 16.30.1 Subject to rule 8, any member knowingly violating any registered rule of the union may be fined a sum not exceeding \$4 by the Sub-branch. Should, however, the matter be referred to the State Management Committee, they shall have the power to fine the member an amount not exceeding \$10, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.
- 16.30.2 Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer, may be fined a sum not exceeding \$2 and should he/she persist, the Presiding Officer shall have power to call on the members to expel that member from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

- 16.30.3 It shall be competent for the State Management Committee to inflict a fine not exceeding \$10, suspend from benefit for a period not exceeding three years, or expel from the union a member upon satisfactory proof that such member has refused to comply with its decision.
- 16.30.4 Charges under these rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his/her last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 160 kilometres from Brisbane, not less than ten days before the date of such meeting.
- 16.30.5 At the appointed time and place the charge shall be investigated either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Registered Rules for the conduct of the business of the Union or Sub-Branch.
- 16.30.6 A member may, if he/she desires, make his/her answer to the charges in writing.
- 16.30.7 Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed \$10.
- 16.30.8 Any member, members, or persons who by false representation or imposition, obtain possession of money, securities, books, papers or other effects of the union or having same in their possession withhold or mis-apply them shall render themselves liable to be summonsed before a Court of summary jurisdiction.

- 16.30.9 Any member or officer who is fined for any offence under these rules shall pay the fine on or before the date of the meeting of his/her Sub-branch immediately following the imposition of the fine. Should the fine not be paid it shall at once be added to the member's dues by the Sub-Branch Secretary, and shall be deducted from any money paid by the member as contributions or may be recovered by legal process.

**17. APPEALS OF MEMBERS AND SUB-BRANCHES AND STATE
MANAGEMENT COMMITTEE**

17.1 Right of appeal:

Any member finding himself/herself aggrieved against the actions or decisions of the officers or members of the union may, in the case of any grievance, appeal to his/her Sub-branch for redress, and, if still aggrieved, he/she may further appeal to the State Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

17.1.1 Not to furnish other evidence:

Neither a member appealing nor the officer or the body appealed against shall furnish any other evidence to the State Management Committee than that heard in the original appeal. Such evidence shall be submitted in writing to the Sub-branch before forwarding to the State Management Committee. The members of the State Management Committee shall give reasons when deciding appeals.

17.2 When not considered:

The State Management Committee shall not consider any appeal for assistance pursuant to Rule 24 from any member whose total dues to the union amount to twelve months' contributions or more.

- 17.3 All provisions of this rule shall apply also to next of kin claiming on account of deceased members.

**18. ELECTION OF STATE SECRETARY, ASSISTANT STATE SECRETARY,
STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS**

18.1 Branch elections:

Any member of the union who is financial as provided for in subclause (6) of this rule at the time of nominations and has financial membership of the union in accordance with the scale set out in Rule 18.4 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

18.2 No member shall be a candidate for two or more offices that, if elected, he/she would be unable to hold at the same time.

18.3 The scale of financial membership of the union necessary for members to be qualified to nominate for the following positions, is as under:-

State Secretary	)	Three years
Assistant State Secretaries	)	financial membership
State Executive Members	)	One years
District Secretary/Organiser	)	financial
State Organisers	)	membership
State Committee Members	)	Financial membership

18.4 The term of office for the above positions shall be four years thereafter from the 1996 elections, and such terms shall commence from 2nd January, 1997.

18.4.1 Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-branch or district area on or before the last day of August 1996, thereafter every fourth (4th) year.

- 18.4.2 All Sub-branches shall be notified by circular of the opening and closing date of nominations.
- 18.4.3 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post to the Returning Officer or handed personally at the Union Office of the union and a receipt thereupon obtained.
- 18.4.4 Nominations shall be closed at 4 p.m. on the last Friday of September 1996, and each four (4) years thereafter following that date.
- Nominations must be received by the Returning Officer by that time on that date to be eligible.
- 18.4.5 Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement.
- 18.4. 6 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.
- 18.4.7 If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Executive and candidates by submitting a Returning Officer's report to the Union Secretary.
- 18.4.8 If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his/her nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

- 18.4.9 The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.
- 18.4.10 Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.
- 18.4.11 Where a ballot is required, the Secretary of the Union shall provide, within twenty-eight (28) days of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.
- 18.4.12 The Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope addressed to such member at his/her address appearing on the list of members eligible to vote supplied to the Returning Officer by the State Secretary, and that envelope shall contain only the following documents:
 - 18.4.13 a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;
 - 18.4.14 an empty unsealed pre-paid post envelope addressed to the Returning Officer, C/- the numbered mail box referred to in this rule;
 - 18.4.15 such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Returning Officer may consider necessary;
 - 18.4.16 The candidates statement provided for and in accordance with rule 18.5.5.
- 18.5 For the purposes of the election, the books of the Union shall be deemed to have closed as of the 31st August for the 1996 election, thereafter at the last day of August preceding the election.

Only members who are shown in the records at the office of the Union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August proceeding the election shall be entitled a vote.

- 18.5.1 Providing that any member who at any time prior to the closing of the ballot, satisfies the Returning Officer that he/she has paid all contributions, levies and fines prior to the 31st day of August 1996 and thereafter the last day of August preceding the election, shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with Rule 18.5.12.

- 18.6 The opening date of the ballot shall be on the 2nd day of November and the closing date shall be noon on the 16th day of November in each year which the ballot is held.

All ballot papers shall be returned to the Returning Officer, c/- the Post Office Box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers, or if a box has been previously used by the Union, he/she shall cause the lock to be changed.

- 18.6.1 The Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

- 18.6.2 At the conclusion of the ballot the ballot box shall be picked up by the Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

- 18.7 Any candidate at his/her own expense, may appoint a financial member of the union to act as his/her scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning officer is also present.

- 18.8 The Returning Officer shall proceed to count the ballot on the preferential system provided for in this Rule, and the candidate or candidates receiving the necessary quota shall be declared elected.
- The counting of the ballot shall be completed not later than the 1st day of December following the ballot.
- 18.9 In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by casting his/her vote which of the candidates is elected, provided that where an electoral officer is the Returning Officer he/she shall determine his/her casting vote by casting lots.
- 18.10. The Returning Officer shall declare the successful candidates elected and notify the Executive of the result of the ballot and the Executive shall issue instructions for the publication of same in their minutes and in the Building Worker. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Union area.
- 18.10.1 The Returning Officer's report to the State Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.
- 18.11 The successful candidates shall remain elected until their successors take up office.
- 18.12 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.
- 18.13 In any election the Returning Officer and any scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

18.14 Should a vacancy occur in any of the abovementioned offices, the State Management Committee may fill the position within one month if the term remaining is not more than twelve (12) months. Where a ballot is required, the State Executive may conduct a postal ballot of S.M.C. members.

18.14.1 If the term remaining is more than twelve (12) months and the State Executive desires to fill the vacancy, an election shall be held according to the provisions of this rule with any necessary modification.

18.15 Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place a number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference, and shall place the number 2,3, 4 (and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into

separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he/she shall be declared elected.

18.15.1 If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes he/she shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

19. ORGANISERS

- 19.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in rule 18, determine the number of organisers to be elected. They shall also determine the area of the State in which organisers shall reside and operate.
- 19.1.1 The organisers shall be under the control of the State Management Committee and shall when required, attend meetings of the State Management Committee. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the union and other workers eligible to join are employed and endeavour to enrol new members. They shall cooperate with all shop and job stewards and Sub-branch Secretaries, and carry out organisational work in any part of the State as directed by the State Management Committee.
- 19.1.2 State organisers may be elected and remain in office for a period of four years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be dispensed with at the discretion of the State Management Committee.
- 19.1.3 The State Management Committee may appoint temporary organisers for a period not exceeding six (6) months, the duties of organisers to be determined by the State Management Committee.
- 19.2 Any Sub-branch may, subject to the consent of the State Management Committee appoint a local organiser for a period of not exceeding six months. An amount equal to 10 per centum of the previous half-year's income may be used for this purpose. This amount may be subsidised by the State Management Committee on application by the Sub-branch.

20. SHOP STEWARDS

- 20.1 For the convenience of members, shop or job stewards may be appointed by Sub-branches within the district under their control.
- 20.2 Should any shop or job steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss he/she may incur.

21. SALARIES OF OFFICERS

- 21.1 The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, and Scrutineers, and notify sub-branches of same.

22. OFFICERS' HOLIDAYS

- 22.1 All full-time officers of this union shall be allowed four weeks' holiday each year on full pay. Such holidays shall be taken in each year, and are not to be allowed to accumulate. The committee controlling the officers shall decide when each officer's holidays shall be taken.

23. DONATIONS

- 23.1 Payments may be made for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the State Management Committee. It may be used for such payments assisting our own or any other trade.
- 23.2 All applications for donations to members shall be on a schedule provided by the union and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the State Management Committee.
- 23.3 Requests for donations for purpose other than the relief of members shall be forwarded to the State Management Committee and shall contain full particulars of the purpose of the proposed donation.
- 23.4 No member who has been less than three (3) months in the union shall be eligible for assistance, and in no case shall payment of benefit be made to a member who is otherwise dis-entitled.

24. APPRENTICES

- 24.1 An apprentice making application to join the Union shall pay union fees for the remaining period of his/her indenture at the rate equivalent to the joining fee for the union per half-year. No additional joining fee shall be payable by apprentices.

Thereafter, upon completion of apprenticeship he/she shall transfer to full membership and payment of full union dues, levies, etc. as determined from time to time by the State Management Committee.

25. ALTERATION OF RULES

- 25.1 These rules may be altered or deleted or additions made thereto by a majority of members of the State Management Committee provided that at least 28 days notice to alter rules has been given by the State Management Executive to the State Management Committee.
- 25.1.1 Provided that the State Management Committee may alter rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.
- 25.1.2 Provided further that alterations to rules of an urgent nature may be made by a postal ballot of State Management committee members to determine for or against the adoption of the alterations.

26. REFERENDUM

- 26.1 Upon request of a majority of Sub-branches comprising ten per centum of the membership requesting a referendum upon any matter, the State Management Committee shall immediately take a referendum to the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Union.

27. DISSOLUTION

- 27.1 Whenever the number of members in this union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at a meeting assembled at the Registered Office, finally dissolve the union subject to discharging all debts and liabilities legally incurred in the union's name and shall pay any balance to the Construction, Forestry, Mining and Energy Union.

28. STANDING ORDERS AND RULES OF DEBATE

28.1 Call to speak:

The first speaker who attracts the attention of the President shall have precedence in speaking.

- 28.2 Members addressing the meeting shall direct their speech to the Presiding Officer, and remain standing while so doing.

28.3 Motions:

No discussion shall take place on any motion unless such motion is duly proposed and seconded. Any number of amendments may be proposed.

28.4 Amendment:

When a motion shall have been duly proposed and seconded, the President shall proceed at once to take the votes thereon; unless some member rises to oppose it or to propose an amendment; but no amendment shall be in order unless notice be given to move the same before the proposer of the resolution has replied.

- 28.5 No more than two members shall speak against any question before the meeting, and, if at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

28.6 Question be now put:

It shall be competent at any time during a debate for a member who has not already spoken to the question before the chair to move, without discussion, "That the question be now put", which on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

28.7 Speak only once:

Except in explanation, no member, other than the mover, shall speak more than once on the same motion.

28.8 Time limit:

No member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

28.9 Reply:

The mover only shall have the privilege of reply, after which the motion shall be forthwith put to the meeting.

28.10 Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

28.11 President's right to speak:

The President or Chairman for the time being may speak only on questions in which the interests of the office he/she represents are directly involved. In the event of the President or Chairman desiring to speak on any question, he/she shall vacate the chair.

28.12 Limit to debate:

Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the President shall forthwith call on the mover to reply, unless the meeting decided by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

28.13 Notice of Motion

At any meeting of the Sub-branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting; or (2) handing a copy thereof to the President. Such notice of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, unless otherwise ordered by the Sub-branch, and shall lapse if the member, or some member on his/her behalf, be not present when the order of the day for such notice is read.

28.13.1 Motion to adjourn:

No motion for the adjournment of the meeting shall be received while there is business before the President.

28.14 Moving dissent from Chairman's ruling:

Any member dissatisfied with the ruling of the Chairman may move a motion of dissent as follows, "That the Chairman's ruling be dissented from."

28.14.1 How put:

The motion shall then be put to the meeting by the Vice-Chairman, without discussion, in the following manner:-

28.14.2 That the question is, "That the Chairman's ruling be upheld." Those in favour of upholding the Chairman's ruling say, "Aye". Those against the Chairman's ruling being upheld say, "No".

28.14.3 The mover only shall speak to the motion, except the Chairman, who may explain his/her reasons for the ruling given.

28.14.4 The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.

28.14.5 The Vice-Chairman's ruling shall only be dissented from a direct appeal to the meeting, the question being put by the Vice-Chairman without discussion.

29. TRANSITIONAL RULES

The rules are amended by inserting as Rule 29 the following:

- 29.1 (a)** Notwithstanding anything else in these rules, the provisions of this rule shall apply from the date fixed by the Queensland Industrial Relations Commission as the date on which the amalgamation between the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees takes effect, to the date of declaration of elections in the end of 1996 held in accordance with Rule 18.

Provided that the provisions of this rule shall continue to operate until a sufficient number of union officers and members of the State Management Committee perform the functions conferred on them by the rules, have been declared elected at those elections.

- (b)** Except as in otherwise provided for in this rule, this rule may be altered by resolution of the State Executive or the State Management Committee, referred to in Rule 13, are cast by a three quater majority in favour of any such alteration.

- 29.2** On amalgamation day, the list of officers shall be set out hereunder:

State Secretary:	TROHEAR, William Wallace
State President:	STONE, Peter John
State Branch Vice Presidents:	ANDERSEN, Kevin Raymond RUSHAN, Barry John
State Assistant Secretaries:	HICKEY, Mark William WATERS, Paul Brian
State Management Committee Members (14):	ANDERSEN, Kevin Raymond BOSTOCK, Robert Herbert GRUER, John HALL, Brian Edward HOPTON, Ben HORN, Geoffrey MARCUS, Kim Scott

McGILL, Bruce
 PEARSON, Frank
 POUNTNEY, Alan Kenneth
 RICHARDSON, Trevor John
 SCOTT, Alex Ian
 VAN DER HURST, Rudolph
 TUCKER, Brian Leslie

Organisers (17):

CARROLL, Kevin Francis
 CAVANAGH, Ian Ronald
 CLARK, Andrew
 CLAYTON, William Brian
 HOWCROFT, Gary John
 KERSEY, Darrel John
 McGOVERN, Liam
 MATAKOVIC, David Danko
 MURPHY, John
 MURPHY, Keith Richard
 O'NEILL, Wayne John
 PERRETT, William James
 RAMSAY, Andrew William John
 RICHARDSON, Trevor John
 RUSHAN, Barry John
 TURNER, Robert Allan
 WIGCHERT, Albertus Franciscus

Appointed Industrial Relations Officer: RAVBAR, Michael John

Trustees (4)

BOSTOCK, Robert Herbert
 STONE, Peter John
 VAN DER HURST, Rudolph
 RICHARDSON, Trevor John

- 29.3** Each person who has immediately before the amalgamation day a financial member of the Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland or the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees shall be on amalgamating day a financial member of the Union for as long as such person would have remained a financial member under the rules of the said Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of

Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees and thereafter subject to these rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland or the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees shall remain unfinancial until the member becomes financial in accordance with these rules.

- 29.4** Honorary members of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees who were honorary members of the said Industrial Organisations shall become honorary members of the union and shall continue to hold such honorary membership and have such rights and obligations are as provided by these rules.
- 29.5** A member of the union who in the day proceeding amalgamation day was a duly appointed, credentialed or elected shop steward/delegate, workplace representative or office representative howsoever titled, of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland or the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees shall continue in that capacity on behalf of the Union, subject to these rules.
- 29.6** The property and other assets of the old Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees will become those of the union. The management of the property and assets of the union shall be in the hands of the State Management Committee.
- 29.7** The liabilities of the old Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees will become those of the union. The management of the liabilities of the union shall also be in the hands of the State Management Committee.

- 29.8 If after amalgamation day a person in sub-rule 2 of this rule is not available for any reason to hold office referred to therein or has declined to hold an office referred to therein then the State Management Committee is empowered to fill the vacancy by an appointment. However, if the vacant position was that of a painters office holder, then that position will be filled by a painters representative. The same procedure will be repeated with a representative of the old Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland filling a vacant position of a former Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland office holder.
- 29.9 The elections are scheduled for August 1996 with the Office Bearers taking up office from the 2nd January, 1997.

ANNEXURE

U20 of 1993

**RULES OF THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS,
BRICKLAYERS, PLASTERERS, PAINTERS AND DECORATORS OF
AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND**

This is the document marked Amendment "B" referred to in the Application of Amalgamation of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, sworn herein before me this 24th day of August 1993.


Justice of the Peace

Industrial Relations Act 1990
(Section 213)

No. U20 of 1993

CERTIFICATE OF REGISTRATION OF NEW SET OF RULES

I hereby certify that pursuant to the Act the new set of rules of the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland a copy of which is appended hereto, has been registered in substitution for the previously registered set of rules.

Dated at Brisbane this third day of February, 1994.



M.J. CALLEN
Industrial Registrar


INDUSTRIAL REGISTRAR
3 FEB 1994
QUEENSLAND

**RULES OF
AMALGAMATED SOCIETY OF CARPENTERS, JOINERS,
BRICKLAYERS, PLASTERERS, PAINTERS AND DECORATORS OF
AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND**

1. Name and Constitution

- 1.1 The name shall be the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland.
- 1.2.1 The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.
- 1.2.2 This union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:
- (a) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.
 - (b) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.
 - (c) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.
 - (d) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.
 - (e) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.
 - (f) Paperhanging, applying and/or fixing wallhangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.
 - (g) Signwriting, designing and/or lettering of price tickets and showcards.
 - (h) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.
 - (i) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.
 - (j) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, water- colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or

wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wallhangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

- (k) The union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

- 1.2.3 Nothing in these rules shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

- 1.2.4 Notwithstanding any other provision in these rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation, and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union.
- 1.2.5 Notwithstanding any other provision in the rules, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.
- 1.3 The seal of the Union shall be oval in shape inscribed in the outer edge the letters "ASCJBPP & D of Australasia Union of Employees" and it shall have on the inner space the words "Queensland State Management Committee".

2. Objects

- 2.1 To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the union and its members, and to assist them to obtain their rights under industrial and social legislation.
- 2.2 To regulate the conditions under which all members of the union may be employed.
- 2.3 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial union, or association, or associations of trade unions, or any other organisation having objects similar in whole or in part to the objects of this union.
- 2.4 To establish a fund for the assistance and support of trade unionists and to carry out the objects of the union.
- 2.5 To pay benefits to members in distress.
- 2.6 To establish Sub-branches or sections of the union throughout the State.
- 2.7 To further any scheme that has for its objects the establishment of Labour research and information, the establishment and maintenance of Labour and trade union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.
- 2.8 To constitute, conduct, carry on and manage clubs in the interests of members.
- 2.9 To pay affiliation fees to and assist financially or otherwise any bona fide Labour or trade union organisation or association.

- 2.10 To establish and manage a union journal.
- 2.11 To hold, purchase, lease, sell, mortgage or otherwise deal in property.
- 2.12 To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.
- 2.13 To raise money by levies and/or other means for the purpose of carrying on the objects of the union; such levy to be no more than \$25.00 in any one half year with the amount of same to be determined by the State Management Committee.
- 2.14 To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.
- 2.15 To obtain such other objects as may from time to time be determined in accordance with these rules.
- 2.16 To organise the education of members.

3. Entrance Fee

- 3.1 The entrance fee shall be any sum, as the State Management Committee may decide, but not more than three (3) months dues contributions.

4. Application for Membership

- 4.1 Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the union.
- 4.2 All applicants for membership in the union if residing within a five kilometre radius of the Sub-branch where they apply, must, unless a satisfactory reason is given, attend the meeting at which their application is considered.
- 4.3 All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the State Management Committee. Applications for membership shall be dealt with by the Sub-branch or the State Management Committee, who shall, if satisfied that the applicant qualifies in terms of the rules, admit him to membership of the Sub-branch as from the date of the receipt of his/her application form by the Sub-branch Secretary, or other duly authorised person.
- 4.4 A new member shall pay on application for membership, or before the expiration of one month from the date the application is received by the Sub-branch Secretary or authorised person, the required Entrance Fee, and six months contributions.
- 4.5 Applicants for membership shall be of good character and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the union.
- 4.6 Applicants shall, if possible, attend the next meeting of the Sub-branch to which the applicant makes application. Failure to attend shall not necessarily exempt the candidate from election to membership.
- 4.7 Applicants for admission to the union and members entering the union on clearance, shall join the Sub-branch nearest to which they reside.
- 4.8 All members shall be supplied with a copy of the rules free of charge.

5. Contributions

- 5.1 The payment of membership contributions shall be half-yearly and shall not exceed one and one half percentum (1 1/2%) of the National Building Trades Construction Award rate for a carpenter multiplied by twenty-six (26).
- 5.1.1 The rate of contributions shall be determined by the State Executive on August 30th and February 28th of each year and shall apply for the following half-yearly period commencing 1st April and the 1st October respectively and shall be payable in advance.
- 5.1.2 (Rescinded)

- 5.1.3 25c of each half-yearly contribution or such amount as may be determined by the State Management Committee, shall be used to produce union publications, including "Building Worker" and to distribute same to financial members.

5.2 Exemption from contributions:

Sub-branch committees may grant exemption from contributions to members who have been unemployed for more than thirteen (13) weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

5.3 Aged and infirm members:

All members over 65 years of age who have had 25 years' continuous membership in the union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying one payment only of \$5 in advance, for which they shall be entitled to receive the Union Journal only, provided that this does not apply to members who are over 50 years of age when joining the union. Members wishing to be placed under this rule shall make application to the Sub-branch Secretary.

5.4 When unfinancial:

Any member who fails to pay the half-yearly contributions in advance on or before the half years ending March 31 and September 30 for the ensuing six months shall be deemed unfinancial.

Notwithstanding the foregoing, any member, financial at the time of commencement of pay roll deduction, or who subsequently pays all outstanding dues, shall be deemed to be a financial member while such deductions are continued.

5.5 Entrance between half-yearly meeting nights:

An applicant joining the union during the currency of any half- year shall be credited in the subsequent half-year for such period of the half-year as had elapsed before his/her joining. Such credit shall be calculated on a monthly basis.

5.6 Recovery of arrears:

If any member allows his/her arrears to amount to two half-years' contributions, due notice shall be sent to his/her last known address, and the State Management Committee shall take the necessary steps for the recovery of such arrears by legal process.

6. Resignation of Members

- 6.1 A member may resign membership of the union by notice in writing if the member ceases to be employed in the industry in connection with which the union is registered, or, the notice is given not less than three months before the resignation is to take effect and the payment of dues to the date of the resignation is to take effect.

- 6.1.1 Notice of resignation shall be addressed to the State Secretary or such other officer as may be provided for in the union rules and delivered to that officer personally or at the union office or such other office as is provided for in union rules or by post to such offices.

- 6.1.2 The notice of resignation that has been received by the union shall not be invalidated by reasons of the fact that it has not been addressed and delivered in accordance with Clause 6.1.1 of this rule.

- 6.1.3 A resignation of membership of the union is valid notwithstanding that it is not effected in accordance with this rule if a member is informed in writing by or on behalf of the union that the resignation has been accepted.

- 6.1.4 Notice of resignation shall be dealt with at the Sub-branch meeting following receipt of the notice by the Secretary.

7. Funds and the Property of the Members Generally

- 7.1 All moneys subscribed by the member shall be the property of the union and not of the Sub-branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these rules, and carrying out the objects of the union.

8. Removal of Officers

8.1 Any officer being charged with, in accordance with the rules of the union mis-appropriation of funds of the union or a substantial breach of the rules of the union or gross misbehaviour or gross neglect of duty or has ceased, according to the rules of the union, to be eligible to hold office, may be suspended immediately by decision of the State Management Committee.

8.1.1 Any officer so charged shall have the right of appeal to the membership against such suspension, provided that any such appeal must be lodged with the Secretary of the Sub-branch to which the member belongs within fourteen days.

8.1.2 Within two (2) months of the receipt of such an appeal the ballot shall have been conducted, in which there shall be sent to all members entitled to vote a statement not exceeding 600 words by the person proposing removal, and a statement not exceeding 600 words by the officer proposed to be removed. The decision of any such ballot shall be final.

8.1.3 Should there be no appeal within the prescribed time, and/or the officer's appeal be rejected, the State Management Committee shall have power to dismiss the officer concerned; and, in the event of any officer being removed from office, an election must be held within one month of such removal from office in accordance with Rule 18.

9. Banking and Expenditure of Funds

9.1 All moneys of the union in Queensland shall be banked by the State and Sub-branch officers in a registered banking institution or other such financial institution as the State Management Committee may decide.

9.2 All expenditure from the funds shall be in accordance with the rules of the union and no expenditure shall be permitted for any purpose contrary to the objects of the union.

10. Audit of Accounts

10.1 The State Management Committee shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the branch. Such person shall audit annually the accounts of the branch. The accounts of Sub- branches shall be audited half-yearly in the manner provided in Rule 16.14.

10.1.1 A competent person, within the meaning of this rule, shall be a person, other than a member of the organisation, who is registered under a law of a state or territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a state or territory of the Commonwealth relating to companies.

11. Registered Office and Place of Meeting

11.1 The registered office of the union in Queensland shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed.

11.1.2 This shall be the place of meeting for the purposes of conducting the business of the branch except where the State Management Committee directs otherwise.

12. Register of Members

12.1 A register of members in the state shall be kept in the registered office.

12.2 A member of the union may at all reasonable times inspect the books, membership records, documents and other property of the union.

13. State Management Committee

13.1 For the purpose of controlling the affairs of the union in Queensland, a committee shall be elected to be known as the State Management Committee. They shall exercise full control over Sub- branches in the State. They shall from time to time fix the salaries of all officers under their control.

13.2 *Composition of State Management Committee:*

The State Management Committee shall consist of fourteen (14) members, including the State President, State Secretary and State Assistant Secretary, all of whom shall be elected in accordance with these Rules.

Further, until the 2nd January, 1997, there shall be a further three (3) representatives (Painters) who shall exercise a vote each 1/5th proportion of the size of painter membership within the Union. And a further Vice President (Painter) and Assistant Secretary (Painter) both of whom shall exercise voting rights in accordance with 1/5th proportion of the size of Painter membership within the Union.

On and from 2 January, 1997, the State Management Committee of the Union shall consist of fifteen (15) members, including the State President (Honorary), State Secretary and two (2) State Assistant Secretaries. The State Assistant Secretaries shall be elected by and from those members who are eligible for membership of the Union, by virtue of Rule 1 Sub-rules 2.1 and 2.2 respectively. The State President (Honorary) shall be elected by and from all members of the Union who are eligible to nominate and vote. There shall be twelve (12) members on the State Management Committee who shall be elected by and from the two sub-groups, which shall include a position in the sub-group to which the State President belongs, and they shall be elected as follows:

- (i) ten (10) from those eligible for membership by virtue of rule 1 Sub-rule 2.1;
- (ii) two (2) from those eligible for membership by virtue of rule 1 Sub-rule 2.2.

13.2.1 Any eight (8) members of the State Management Committee shall constitute a quorum.

13.2.2 The State Management Committee shall elect from its members two (2) State Vice Presidents one of whom is eligible for membership pursuant to Rule 1 Sub-rule 2.1 and one of whom is eligible for membership pursuant to Rule 1 Sub-rule 2.2. Any nominee for these positions must have had one years financial membership.

13.2.3 A full time official of the union shall not be eligible to stand for the position of State President.

13.3 *State Management Committee - Meeting Place:*

The State Management Committee shall meet at Union House, 366 Upper Roma Street, Brisbane, or such other place as may be decided for the purpose of controlling the business of the Union.

13.4 *Duties of the State President:*

13.4.1 The State President shall preside at all meetings of the State Management Committee, State Delegate or Special Convention and at meetings convened by the State Convention or the State Management Committee. The State President shall have a deliberative vote only. A State Vice-President shall take the chair in the absence of the State President.

13.4.2 The State President shall carry out such duties as may be assigned to him/her from time to time by the State Management Committee and by the State Secretary acting on their behalf.

13.4.3 The State President shall conduct the business in accordance with the standing orders and rules of debate.

13.4.4 The State President shall, upon the minutes being confirmed sign the minute book in the presence of the meeting, and shall have the meeting by resolution, endorse or reject all payments submitted for ratification.

13.5 *State Management Committee and Executive:*

The State Management Committee shall meet not less than three times each year: Provided that a special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by five (5) members of the State Management Committee.

13.5.1 The State Management Committee shall elect from its members an Executive of six members including the State Secretary, the State President (Honorary), the two (2) State Assistant Secretaries and two (2) members, one of whom is eligible for membership pursuant to Rule 1 Sub-rule 2.1 and one of whom is eligible for membership pursuant to Rule 1 Sub-rule 2.2.

13.5.2 All accounts paid by the union shall be submitted to the Executive of the State Management Committee for ratification.

13.6 *Delegation approval:*

No sub-branch shall have the power to delegate any member on union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this rule by any member or

sub-branch shall be deemed misconduct, and members or sub-branches infringing this rule may be fined by the State Management Committee any sum not exceeding \$20. This rule shall not affect the rule allowing 10 percent of the sub-branch income to be used for local organising.

13.7 *Interpretation of rules:*

The State Management Committee shall interpret all rules requiring interpretation.

13.8 *Legal Proceedings:*

The trustees of the union after being authorised by the State Management Committee shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of awards and recovery of accident compensation.

- 13.8.1 The State Management Committee may from time to time place the collection of arrears of contributions owing by members in the hands of a solicitor or agent for collection.

13.9 *Control and suspension of members:*

The State Management Committee shall exercise general control over the members and shall have, subject to rules, power to fine, expel or suspend from benefit any member found guilty of wilfully acting contrary to the policy of the union.

- 13.9.1 Where such fine, expulsion or suspension is imposed, the State Management Committee shall immediately notify the sub-branch to which the member belongs, of its decision.

- 13.9.2 A fine imposed under this rule shall not exceed \$10, nor shall any suspension from benefit exceed a period of three years.

13.10 *Transfer of members:*

The State Management Committee shall have the power, at the request of a member, to order the transfer of any member from any sub-branch to any other sub-branch in Queensland, when, in the opinion of the State Management Committee such transfer is necessary to enable the member concerned to participate properly in the affairs of the Union.

- 13.11 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of rule 24.

13.12 *Aggregate meetings:*

Whenever it may be deemed necessary by the State Management Committee, or on the urgent representation of a majority of the sub-branches in the State, aggregate meetings shall be called by advertisement to decide such questions as the State Management Committee may decide or the sub-branches may require to be decided.

- 13.13 The State Management Committee shall have power to establish or disband sub-branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the State Management Committee the members' industrial interests warrant the formation or disbandment of a sub-branch.

13.14 *Delegates' meeting:*

Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special summoned meetings of the sub-branches in such district, when delegates shall be elected from each sub-branch in proportion to the sub-branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to rule 22.

13.15 *Delegate convention*

The State Management Committee shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a state delegate convention consisting of delegates elected from sub-branches and jobs throughout the State and also comprised of members of the State Management Committee and full-time officials of the union.

- 13.15.1 The method of financing such convention and the number of delegates that sub-branches and jobs may elect to attend such convention, shall be determined by the State Management Committee from time to time.
- 13.15.2 A member nominating as a delegate to the State Delegate Convention must be financial at the time nominations are called.
- 13.15.3 Items for the agenda of the State Delegate Convention shall be called for at least three months before Convention assemblies, and be in the hands of delegates to Convention at least seven days before Convention commences.
- 13.15.4 The State Delegate Convention may recommend to the State Management Committee proposals for rule and policy changes.

13.16 *Special Auditors:*

The State Management Committee may at any time appoint two auditors to audit the books of any sub-branch or direct that the books be forwarded to the State Office for audit.

- 13.17 The State Management Committee shall be in control of all organisers and shall determine the number required in accordance with rule 19 and may, if funds are sufficient, appoint additional organisers.

- 13.18 In districts where an Organiser-Secretary has been appointed or elected, he/she shall be under the control of the sub-branch he/she visits for organising purposes only for the period allotted by this district committee.

13.19 *State Management Committee Finance:*

The State Management Committee shall have control of the property in the State and, in addition to the provision of Rule 7, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions entrance fees and fines collected.

- 13.19.1 Each sub-branch shall retain in a sub-branch bank account a sum determined by the State Management Committee from which it shall pay all accounts covered by these rules and the State Management Committee shall reimburse this sub-branch account as required by the sub-branch to restore the account to the original sum.
- 13.19.2 The State Management Committee may disperse moneys for the purposes set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in his/her absence the Acting State Secretary). No donation exceeding \$200 shall be made without the approval of the State Executive Committee.

13.20 *Affiliation:*

The State Management Committee shall have the power to affiliate with any industrial, educational or political organisations within the State over which they have jurisdiction, provided such affiliation is sanctioned by a majority of the members voting. Such affiliation shall not interfere with the personal rights of the member's political code.

- 13.21 District committees may be formed and shall have local autonomy in such matters as the full State Committee may determine.

13.22 *Delegating powers:*

In the event of a dispute arising, no official of this union shall interview the management with whom our union is in dispute on any contract unless accompanied by at least one member actively concerned in the dispute.

13.23 *Trustees:*

The State Management Committee shall elect from among their members four trustees, any two with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries to operate.

- 13.23.1 The property and finances of the Union shall be vested in the names of the four trustees.
- 13.23.2 The funds of the Union shall be banked in the manner prescribed in rule 9.

13.23.3 On a written authority, signed by the State President and the State Secretary, any two of the four Trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive, in accordance with these rules. Such cheques shall be countersigned by the State Secretary.

13.23.4 The trustees shall have all powers and immunities conferred on such trustees by Statute.

13.24 *Returning Officer and Scrutineers:*

The State Management Committee shall appoint a returning officer and two scrutineers who shall not hold any office in, and not be an employee of, the organisation, Sub-Branch, section or division of the organisation, to conduct all required ballots, including the quadrennial ballot; that, after applications for the position have been called through all sub-branches of the union. The appointment shall be made by a majority vote of members of the State Management Committee at its last meeting prior to the quadrennial ballot.

13.24.1 Returning Officers may at any time in writing resign their position and shall resign if they desire to become a candidate at any elections held under the rules of the union.

13.24.2 Any casual vacancy of Returning Officer shall be filled by the State Management Committee. Nomination for the position shall be called for by the State Management Committee, by notification in the union journal or the daily newspaper circulating in the capital city and in each sub-branch or district area at least twenty-eight (28) days before the closing of nominations.

13.25 *Election of delegates:*

The State Management Committee shall also elect delegates to the Australian Council of Trade Union's Congress, the Trades and Labour Council, the Queensland Building Trades Group and other such bodies.

13.26 *Elections by State Management Committee:*

In any election by the State Management Committee the following procedure shall be observed:

13.26.1 If all State Management Committee members are in attendance at the State Management Committee meeting at which the election is to be held, viz. in the case of the State Vice-Presidents and the Trustees during the month of July following the quadrennial elections, and in the case of other positions as may be determined by the State Management Committee, nominations shall be called and a ballot shall be held.

13.26.2 A member of the State Management Committee unable to attend the meeting of the State Management Committee at which an election was to have been held and who desires to nominate himself or some other qualified person for a position may do so by written notification to the State President. Such notification shall be sent to the State President not later than the time fixed for the commencement of the meeting.

13.26.3 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a reasonable period.

13.26.4 The Returning Officer shall obtain sufficient ballot papers and envelopes for the election. The Returning Officer shall have a booth arranged so constructed as to enable the voter to mark his/her ballot paper without the names for which such delegate voted being seen.

13.26.5 The Returning Officer shall initial all ballot papers which shall not bear any other distinguishing mark. The Returning Officer shall provide for the voters identical means of marking the ballot papers. The Returning Officer shall issue to each voter a ballot paper and an envelope. The voter, after marking the ballot paper, shall place same in the ballot box provided by the Returning Officer for such purpose. Such ballot box may be inspected and/or sealed by any members of the State Management Committee or candidate.

13.26.6 Voting shall close one hour after the commencement of the meeting or at such times as all State Management Committee members have voted.

- 13.26.7 The Returning Officer shall thereupon open the ballot box and in the presence of the State Management Committee members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.
- 13.26.8 In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his/her vote which of the candidates is elected.
- 13.26.9 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.
- 13.26.10 Should a vacancy occur in any of the above positions, the State Management Committee may fill the position within one month; but if the term remaining is more than twelve (12) months, and the State Management Committee desires to fill the position, an election shall be held to fill the vacancy. In any such election, provisions of this rule shall apply with any necessary modifications.
- 13.26.11 Where the State Executive decides not to convene a meeting for the purposes of filling a casual vacancy, a postal ballot of all members of the State Management Committee shall be held.
- 13.26.12 In such election the Returning Officer shall immediately post to each State Management Committee member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office box marked on the envelope.
- 13.26.13 On the morning of the eighth day following the dispatch of the ballot papers by the Returning Office, the Returning Officer and the scrutineers appointed by the State Management Committee shall collect the ballot papers from the Post Office box and then proceed to the union office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.
- 13.26.14 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.
- 13.26.15 The State Management Committee shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Union to act as scrutineer on his/her behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.
- 13.26.16 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.
- 13.26.17 In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.
- 13.26.18 Scrutineers shall, as far as practicable, be present at all stages of the ballot.
- 13.26.19 They shall obey any directions given to them by the Returning Officer.
- 13.26.20 If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

14. Duties of State Secretary

- 14.1 The State Secretary shall be under the control of the State Management Committee and may be authorised by the State Management Committee to incur expenditure on behalf of the Union. Provided that the State Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the State Management Committee for consideration and ratification.
- 14.1.1 The State Secretary shall be the registered State officer to sue or be sued on behalf of the union in the State in regard to any legal matter within the State in which the State Management Committee has jurisdiction.
- 14.1.2 The State Secretary shall keep a correct record of the members in the State and shall, when instructed by the State Management Committee sue for the recovery of arrears of contributions or other monies due to the union by the members in the State.

- 14.1.3 The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the union, and separate accounts of receipts from all sub-branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Industrial Relations Act 1990 and amendments thereof.
- 14.1.4 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with rule 14.1.6.
- 14.1.5 The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.
- 14.1.6 Arbitration Commission and Wages Boards: The State Secretary shall attend to all Arbitration Commission hearings, Wages Boards and the Arbitration Court, and other legal matters coming within the jurisdiction of the State Management Committee.
- 14.1.7 The State Secretary shall keep all books and documents necessary to a proper working of the office of the State Management Committee and shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term, and upon the same being audited and adopted by the State Management Committee, and shall send a copy to the sub-branches over which the State Management Committee has jurisdiction.
- 14.1.8 The State Secretary shall prepare and forward to the Industrial Registrar all returns required by law, and shall notify the Industrial Commission in the prescribed manner the existence or likelihood of industrial disputes by holder or holders of office in the union.
- 14.1.9 *Neglect of duty:*

Should the State Secretary fail to carry out his/her duties to the satisfaction of the State Management Committee he/she may be dealt with by such committee in the manner prescribed in rule 8.

14.1.10 *Resignation or removal:*

In the event of the State Secretary desiring to resign, the State Secretary shall give at least one month's notice or be fined ten dollars (\$10). Upon resigning or being removed from office, according to rule 8 the State Secretary shall, within seven (7) days, deliver up to whatever person the State Management Committee may appoint, all books, documents and other property of the union then in the State Secretary's possession. Before the books are handed over to his/her successor in office they shall be audited.

15. Duties of Assistant Secretaries

- 15.1 The Assistant State Secretaries shall work under the direction of the State Management Committee and the State Secretary. They shall assist the State Secretary in the carrying out of the duties set out in rule 14 and one shall act as the Acting State Secretary in the absence of the State Secretary as directed by the State Management Committee. He/she shall be subject to rules 14.1.8 and 14.1.9.
- 15.1.1 An Assistant State Secretary shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee.
- 15.1.2 The State Management Committee shall not less than two (2) months prior to the closing of nomination as prescribed in Rule 18, determine number (if any) of Assistant State Secretaries to be elected.

16. Powers and Duties of Sub-branches

- 16.1 For the convenience of members, sub-branches may be opened in any town in the State. No sub-branch shall be opened without the consent of the State Management Committee. Each sub-branch shall have power to elect its own officers and with the consent of the State Management Committee generally control its own business.

16.2 *When disbanded:*

In no case shall any sub-branch close or disband without the authority of the State Management Committee in which case all cash or other property shall be handed over to the State Management Committee.

16.3 *Visiting members:*

Members of any sub-branch may visit any other sub-branch on production of their financial card and with the permission of the sub-branch may speak on any question before the sub-branch but shall not vote.

16.4 *Clearances:*

Any member entering a sub-branch by clearance shall not have a vote in that sub-branch until his/her clearance has been accepted by such sub-branch.

16.5 Sub-branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of rule 16.29 and all arrears of contributions shown on the clearance card sent from a sub-branch in one State to a sub-branch in another State shall be collected and retained by the sub-branch to which the members have been transferred.

16.6 Each sub-branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of union property provided the State Management Committee is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

16.7 *Interpretation of rules:*

Should any rules require interpretation, or be not clearly defined, they shall be sent to the State Management Committee for their decision. All such decisions shall be inserted in the minute book of the sub-branch.

16.8 *Resolutions to State Management Committee:*

Resolutions to the State Management Committee shall be submitted in writing to the Sub-Branch President, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the State Management Committee.

16.9 *Correspondence confidential:*

All communications or copies of correspondence from the State Management Committee shall remain the property of the union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the State Management Committee.

16.10 *Sub-branches allowed:*

In all cities and towns there shall be only one sub-branch and no other sub-branch shall operate within a radius of eight kilometres of the meeting place of such sub-branch except with the consent of the State Management Committee.

16.11 *Sub-branch officers:*

Sub-branches shall elect the Sub-Branch Committee. The Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-branches with more than 100 members may also elect a money steward and door keeper. The Sub-Branch Secretary may appoint sick stewards as they are required.

16.12 Any member neglecting the duties for which he/she is elected shall, unless a satisfactory apology is furnished, be fined by his/her sub-branch or the State Management Committee any amount not exceeding ten dollars (\$10).

16.13 *Meetings: When held:*

Sub-branches of the union shall meet at least by monthly to transact business and the time of opening and closing the sub-branch meeting shall be at the discretion of each sub-branch.

16.14 The books of each sub-branch shall be sent each half-year to the State Office for audit.

16.15 Sub-branches shall have power to strike a levy of not more than \$4 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the sub-branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding \$4 per annum on a member.

- 16.16 Any member residing within a five kilometre radius of the meeting place of the sub-branch who fails to attend a summoned meeting shall be fined a sum not exceeding \$10.00 unless a satisfactory excuse is tendered.
- 16.17 The Sub-Branch President and Secretary, on a requisition signed by ten per centum of the members of the sub-branch shall call a special meeting of the sub-branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.
- 16.18 Sub-branch by-laws shall be registered under the "Queensland Industrial Relations Act 1990" (and amendments thereof). The precise location of all meetings at which the business of the sub-branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Industrial Registrar.

16.19 *Sub-Branch President:*

The Sub-Branch President shall preside at all meetings of the sub-branch and sub-branch committee, and shall conduct business according to the rules laid down for his/her guidance. If the Sub-Branch President is not present at the time of opening the meeting the Vice-President shall take the chair. Should the Vice-President be absent, the members shall elect a chairman pro tem. He/she shall not enter debate on any question, but shall endeavour to bring the business to a speedy and successful issue. He/she shall have a deliberate vote only.

16.19.1 Bank book; countersign orders for payments; branch resolutions:

The Sub-Branch President shall sign the sub-branch minutes of the previous meeting, after they have been confirmed by the sub-branch. The Sub-Branch President shall examine the sub-branch bank book each night (when such book is not held by the bank) and report to the sub-branch the result of each banking transaction, the record to be inserted in the minute book. The Sub-Branch President shall countersign all orders for payment of money authorised by the sub-branch, and all orders for remittances to the State Management Committee when requested to do so by the State Secretary, and for capitation fees due to the State Management Committee under rule 13.19.1. The Sub-Branch President shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

16.20 *Sub-Branch Secretary:*

16.20.1 Correspondence; keep account of income and expenditure; clearances:

The Sub-Branch Secretary shall attend all meetings of the sub-branch or committee. The Sub-Branch Secretary shall conduct all correspondence and take the minutes of committee meetings. He/she shall be responsible for the collecting of contributions, fines, and other money due to the union by members of his/her sub-branch.

16.20.2 The Sub-Branch Secretary shall keep a clear and correct account of all receipts and expenditure in connection with the sub-branch. The Sub-Branch Secretary shall register carefully the name, age and residence of every member, and shall within one month, forward to the State Secretary correctly filled in registration cards for all members admitted into the sub-branch, and also transfer cards for all members leaving the sub-branch. The Sub-Branch Secretary shall also notify the State Secretary of all resignations and deaths.

16.20.3 *Balance Sheets:*

The Sub-Branch Secretary shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State Management Committee within seven days after the half-yearly meeting. The Sub-Branch Secretary shall close his/her books at the end of January and July each year. Contributions for the next half year shall be due and payable at the end of March and September each year. The Sub-Branch Secretary shall give every facility to the auditors to examine all books and papers in connection with the sub-branch. He/she shall read out to the sub-branch meeting a cash account. The Sub-Branch Secretary shall be the custodian of the official stamp of the sub-branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he/she is personally or financially interested.

16.20.4 *Half-Yearly Summons*

The Sub-Branch Secretary shall supply all necessary advice to the State Office to enable it to advise the sub-branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year. The State Secretary shall forthwith notify all sub-branch members thereof. He/she shall supply all details to the State Office

to enable it to advise members in arrears. Special meetings of the sub-branch may be called as decided by the sub-branch. The Sub-Branch Secretary shall perform all clerical and other duties appertaining to the position of the Secretary.

- 16.20.5 All sub-branch meetings called in accordance with this sub-clause shall be held at the place fixed by rule 16.18 for conduct of the business of the sub-branch.

16.20.6 *Suspended members:*

Members who owe one year's arrears of contributions shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the sub-branch.

16.20.7 *Clearances and Transfers:*

The Sub-Branch Secretary shall accept all clearances (that are permitted) from other unions, also transfers from other sub-branches or other States, and shall issue transfers for any members applying for same. The Sub-Branch Secretary shall also transfer all members who do not comply with rule 16.29.2 to the sub-branches nearest to which they reside.

- 16.20.8 Sub-branch Secretaries obtaining the transfers of members from other States or other unions shall immediately fill in a duplicate card and forward same to the State Office.

16.20.9 *Pay benefits*

The Sub-Branch Secretary shall pay all benefits according to rules 21 and 22 and may be made to refund all expenditure that is made contrary to the provisions of these rules.

16.20.10 *Resignation or removal:*

In the event of resigning the Sub-Branch Secretary shall give one month's notice, or be fined \$1, except in the case of illness or removal from the town.

- 16.20.11 On the Sub-Branch Secretary's resignation or being removed from office, or on demand of the State Management Committee, or whomsoever they may authorise, the Sub-Branch Secretary shall, within seven days, deliver up all books, documents and property of the said sub-branch to the State Management Committee or Trustee. Before the books are handed over to his/her successor in office they shall be audited.

16.20.12 *Neglect of duty:*

Should the Sub-Branch Secretary fail to carry out any of his/her duties to the satisfaction of the sub-branch, the sub-branch shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of rule 16.12.

16.21 *Vice-President:*

The Vice-President shall record the minutes of all sub-branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

16.22 *Doorkeeper:*

The doorkeeper shall attend at the opening time of each sub-branch meeting, and shall assist the Sub-Branch President in maintaining order by keeping the door closed whilst any member is addressing the meeting; and shall not admit any disorderly member into the room; neither shall he/she admit anyone who is not a member or who is not a candidate.

16.23 *Sub-branch finances:*

- 16.23.1 The funds of each sub-branch shall be banked as provided in the rules.

- 16.23.2. On a written authority signed by the Sub-Branch President and Sub-Branch Secretary any two members of the Sub-Branch Committee shall sign cheques for payment of accounts for expenditure, in conformity with the rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

16.24 *Sub-Branch Committee:*

In every sub-branch there shall be a committee elected in accordance with rule 16.11 which shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a deliberate vote only. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next sub-branch meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the union the sub-branch committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the State Management Committee and its decision conveyed to the sub-branch. They shall hear and decide all cases of appeal from a member against an officer of the sub-branch. Any member of a sub-branch committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his/her seat, and the sub-branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an agenda and making a report of the half-year's work for the half-yearly meeting of the sub-branch.

16.25 *Sick stewards:*

Sick stewards shall, when instructed by the sub-branch Secretary visit any member who is sick or who has met with an accident, and report to the next sub-branch meeting.

16.26 *Sub-Branch Returning Officer and Scrutineers:*

16.26.1 The Sub-Branch Committee shall appoint a Sub-Branch Returning Officer and two scrutineers who shall not hold any office in, and not be an employee of, the organisation, branch section or division of the organisation to conduct all required ballots. The appointment shall be made by a majority vote of Sub-Branch Committee members at the first meeting of the Committee immediately following the yearly Sub-Branch elections.

16.26.2 Provided that should any vacancy occur in these positions the Sub-Branch Committee shall be empowered to fill such vacancy.

16.27 *Money Stewards:*

The money stewards shall attend the half-yearly sub-branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

16.28.1 The election for Sub-branch officers shall be held in March of each year of the State Management Committee elections and be under the control of the Sub-Branch Returning Officer assisted by the Scrutineers.

16.28.2 The Sub-branch Returning Officer shall call nominations for all Sub-branch positions by notification in a newspaper circulating in the Sub-branch area at least thirty-five (35) days prior to the March Sub-branch meeting.

16.28.3 Nominations shall be in writing and be signed by two financial members. The person nominating must be a member of the Sub-branch and financial no later than fourteen (14) days prior to nominations being called.

16.28.4 No member shall be a candidate for two or more offices that, if elected to, shall be unable to hold at the one time.

16.28.5 Nominations shall close twenty-one (21) days prior to the March Sub-branch meeting.

16.28.6 Should only sufficient nominations have been received by the Sub-Branch Returning Officer for the positions, as advertised, the Sub-Branch Returning Officer shall declare the person or persons so nominated as elected and supply forthwith a declaration of the ballot to the Sub-Branch Secretary, a copy of which shall be forwarded to the State Secretary.

16.28.7 Should there be more valid nominations than the number required to fill the vacancies the Sub-Branch Returning Officer shall conduct a ballot which shall be held at the March yearly meeting.

16.28.8 Fourteen (14) days prior to such ballot taking place the Sub-Branch Returning Officer shall publish in a newspaper circulating in the Sub-branch area a list of positions vacant, the names of persons nominating for each position/positions, the date and time of the ballot, and notifying all financial members they are eligible to vote either in person at the meeting or by application to the Sub-Branch Returning Officer for an absentee vote.

16.28.9 The Sub-Branch Returning Officer shall procure sufficient ballot papers to enable each member to vote should they so desire. For such purpose the Sub-Branch Secretary shall provide the Sub-Branch Returning Officer with

a list of financial members eligible to vote. Each such ballot paper issued shall be signed by the Sub-Branch Returning Officer.

- 16.28.10 The Sub-Branch Returning Officer, upon receipt of an application for an absentee vote, shall forward to the applicant in a sealed envelope a signed ballot paper and a stamped envelope addressed to the Sub-Branch Returning Officer.
- 16.28.11 All completed ballot papers must be in the hands of the Sub- Branch Returning Officer by 9 p.m. on the night of the March yearly meeting when the ballot shall close.
- 16.28.12 The absentee vote envelopes shall then be opened and those votes, together with the votes cast at the meeting, be counted under the supervision of the Sub-Branch Returning Officer and Scrutineers and the result declared immediately.
- 16.28.13 The person or persons obtaining the highest number of votes shall be declared elected.
- 16.28.14 The Sub-Branch Returning Officer shall submit a report to the Sub-Branch Secretary. A copy of same to be forwarded to the State Secretary, showing the number of ballot papers printed, the absentee vote applications, the number used and the names of the candidates with the vote of each recorded.
- 16.28.15 The ballot papers used and unused and the absentee vote applications shall be held for a period of twelve (12) months before being destroyed.
- 16.28.16 The Sub-branch committee shall be empowered to fill, by appointment, any vacancy or vacancies occurring in the period of twelve (12) months following the ballot for positions.
- 16.29 *Duties of members:*
- 16.29.1 No member shall call on or write to any Sub-Branch Secretary at the works where he/she is employed.
- 16.29.2 Members shall belong to the Sub-branch that meets nearest to their place of residence.
- 19.29.3 Members changing their residence shall inform the Sub-Branch Secretary in writing within three months of such change of address.
- 16.30 *Misconduct of members:*
- 16.30.1 Subject to rule 8, any member knowingly violating any registered rule of the union may be fined a sum not exceeding \$4 by the Sub- branch. Should, however, the matter be referred to the State Management Committee, they shall have the power to fine the member an amount not exceeding \$10, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.
- 16.30.2 Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer, may be fined a sum not exceeding \$2 and should he/she persist, the Presiding Officer shall have power to call on the members to expel that member from such meeting until such time as the fine is paid and an apology is tendered for such conduct.
- 16.30.3 It shall be competent for the State Management Committee to inflict a fine not exceeding \$10, suspend from benefit for a period not exceeding three years, or expel from the union a member upon satisfactory proof that such member has refused to comply with its decision.
- 16.30.4 Charges under these rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his/her last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 160 kilometres from Brisbane, not less than ten days before the date of such meeting.
- 16.30.5 At the appointed time and place the charge shall be investigated either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in

accordance with this sub- clause, shall be held at the place fixed by the Registered Rules for the conduct of the business of the Union or Sub-Branch.

- 16.30.6 A member may, if he/she desires, make his/her answer to the charges in writing.
- 16.30.7 Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed \$10.
- 16.30.8 Any member, members, or persons who by false representation or imposition, obtain possession of money, securities, books, papers or other effects of the union or having same in their possession withhold or mis-apply them shall render themselves liable to be summonsed before a Court of summary jurisdiction.
- 16.30.9 Any member or officer who is fined for any offence under these rules shall pay the fine on or before the date of the meeting of his/her Sub-branch immediately following the imposition of the fine. Should the fine not be paid it shall at once be added to the member's dues by the Sub-Branch Secretary, and shall be deducted from any money paid by the member as contributions or may be recovered by legal process.

17. Appeals of Members and Sub-branches and State Management Committee

17.1 *Right of appeal:*

Any member finding himself/herself aggrieved against the actions or decisions of the officers or members of the union may, in the case of any grievance, appeal to his/her Sub-branch for redress, and, if still aggrieved, he/she may further appeal to the State Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

17.1.1 *Not to furnish other evidence:*

Neither a member appealing nor the officer or the body appealed against shall furnish any other evidence to the State Management Committee than that heard in the original appeal. Such evidence shall be submitted in writing to the Sub-branch before forwarding to the State Management Committee. The members of the State Management Committee shall give reasons when deciding appeals.

17.2 *When not considered:*

The State Management Committee shall not consider any appeal for assistance pursuant to Rule 24 from any member whose total dues to the union amount to twelve months' contributions or more.

17.3 All provisions of this rule shall apply also to next of kin claiming on account of deceased members.

18. Election of State Secretary, Assistant State Secretary, State Management Committee Members, Organisers

18.1 *Branch elections:*

Any member of the union who is financial as provided for in subclause (6) of this rule at the time of nominations and has financial membership of the union in accordance with the scale set out in Rule 18.4 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

18.2 No member shall be a candidate for two or more offices that, if elected, he/she would be unable to hold at the same time.

18.3 The scale of financial membership of the union necessary for members to be qualified to nominate for the following positions, is as under:-

State Secretary)	Three years	
Assistant State Secretaries)		financial membership
State Executive Members)	One years	
District Secretary/Organiser)		financial

State Organisers)

membership

State Committee Members

Financial membership

- 18.4 The term of office for the above positions shall be four years thereafter from the 1996 elections, and such terms shall commence from 2nd January, 1997.
- 18.4.1 Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-branch or district area on or before the last day of August 1996, thereafter every fourth (4th) year.
- 18.4.2 All Sub-branches shall be notified by circular of the opening and closing date of nominations.
- 18.4.3 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post to the Returning Officer or handed personally at the Union Office of the union and a receipt thereupon obtained.
- 18.4.4 Nominations shall be closed at 4 p.m. on the last Friday of September 1996, and each four (4) years thereafter following that date.
- Nominations must be received by the Returning Officer by that time on that date to be eligible.
- 18.4.5 Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement.
- 18.4.6 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.
- 18.4.7 If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Executive and candidates by submitting a Returning Officer's report to the Union Secretary.
- 18.4.8 If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his/her nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.
- 18.4.9 The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.
- 18.4.10 Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.
- 18.4.11 Where a ballot is required, the Secretary of the Union shall provide, within twenty-eight (28) days of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.
- 18.4.12 The Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope addressed to such member at his/her address appearing on the list of members eligible to vote supplied to the Returning Officer by the State Secretary, and that envelope shall contain only the following documents:
- 18.4.13 a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

- 18.4.14 an empty unsealed pre-paid post envelope addressed to the Returning Officer, C/- the numbered mail box referred to in this rule;
- 18.4.15 such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Returning Officer may consider necessary;
- 18.4.16 The candidates statement provided for and in accordance with rule 18.4.5.
- 18.5 For the purposes of the election, the books of the Union shall be deemed to have closed as of the 31st August for the 1996 election, thereafter at the last day of August preceding the election.
- Only members who are shown in the records at the office of the Union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August proceeding the election shall be entitled a vote.
- 18.5.1 Providing that any member who at any time prior to the closing of the ballot, satisfies the Returning Officer that he/she has paid all contributions, levies and fines prior to the 31st day of August 1996 and thereafter the last day of August preceding the election, shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with Rule 18.4.12.
- 18.6 The opening date of the ballot shall be on the 2nd day of November and the closing date shall be noon on the 16th day of November in each year which the ballot is held.
- All ballot papers shall be returned to the Returning Officer, c/- the Post Office Box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers, or if a box has been previously used by the Union, he/she shall cause the lock to be changed.
- 18.6.1 The Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.
- 18.6.2 At the conclusion of the ballot the ballot box shall be picked up by the Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.
- 18.7 Any candidate at his/her own expense, may appoint a financial member of the union to act as his/her scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning officer is also present.
- 18.8 The Returning Officer shall proceed to count the ballot on the preferential system provided for in this Rule, and the candidate or candidates receiving the necessary quota shall be declared elected.
- The counting of the ballot shall be completed not later than the 1st day of December following the ballot.
- 18.9 In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by casting his/her vote which of the candidates is elected, provided that where an electoral officer is the Returning Officer he/she shall determine his/her casting vote by casting lots.
- 18.10 The Returning Officer shall declare the successful candidates elected and notify the Executive of the result of the ballot and the Executive shall issue instructions for the publication of same in their minutes and in the Building Worker. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Union area.
- 18.10.1 The Returning Officer's report to the State Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.
- 18.11 The successful candidates shall remain elected until their successors take up office.
- 18.12 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

- 18.13 In any election the Returning Officer and any scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.
- 18.14 Should a vacancy occur in any of the abovementioned offices, the State Management Committee may fill the position within one month if the term remaining is not more than twelve (12) months. Where a ballot is required, the State Executive may conduct a postal ballot of S.M.C. members.
- 18.14.1 If the term remaining is more than twelve (12) months and the State Executive desires to fill the vacancy, an election shall be held according to the provisions of this rule with any necessary modification.

18.15 *Definitions:*

"Preferential Voting" shall mean a system of voting in which the voter shall place a number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference, and shall place the number 2,3, 4 (and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he/she shall be declared elected.

- 18.15.1 If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes he/she shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

19. Organisers

- 19.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in rule 18, determine the number of organisers to be elected. They shall also determine the area of the State in which organisers shall reside and operate.
- 19.1.1 The organisers shall be under the control of the State Management Committee and shall when required, attend meetings of the State Management Committee. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the union and other workers eligible to join are employed and endeavour to enrol new members. They shall cooperate with all shop and job stewards and Sub-branch Secretaries, and carry out organisational work in any part of the State as directed by the State Management Committee.
- 19.1.2 State organisers may be elected and remain in office for a period of four years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be dispensed with at the discretion of the State Management Committee.
- 19.1.3 The State Management Committee may appoint temporary organisers for a period not exceeding six (6) months, the duties of organisers to be determined by the State Management Committee.
- 19.2 Any Sub-branch may, subject to the consent of the State Management Committee appoint a local organiser for a period of not exceeding six months. An amount equal to 10 per centum of the previous half-year's income may be used for this purpose. This amount may be subsidised by the State Management Committee on application by the Sub-branch.

20. Shop Stewards

- 20.1 For the convenience of members, shop or job stewards may be appointed by Sub-branches within the district under their control.

- 20.2 Should any shop or job steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss he/she may incur.

21. Salaries of Officers

- 21.1 The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, and Scrutineers, and notify sub-branches of same.

22. Officers' Holidays

- 22.1 All full-time officers of this union shall be allowed four weeks' holiday each year on full pay. Such holidays shall be taken in each year, and are not to be allowed to accumulate. The committee controlling the officers shall decide when each officer's holidays shall be taken.

23. Donations

- 23.1 Payments may be made for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the State Management Committee. It may be used for such payments assisting our own or any other trade.
- 23.2 All applications for donations to members shall be on a schedule provided by the union and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the State Management Committee.
- 23.3 Requests for donations for purpose other than the relief of members shall be forwarded to the State Management Committee and shall contain full particulars of the purpose of the proposed donation.
- 23.4 No member who has been less than three (3) months in the union shall be eligible for assistance, and in no case shall payment of benefit be made to a member who is otherwise dis-entitled.

24. Apprentices

- 24.1 An apprentice making application to join the Union shall pay union fees for the remaining period of his/her indenture at the rate equivalent to the joining fee for the union per half-year. No additional joining fee shall be payable by apprentices.

Thereafter, upon completion of apprenticeship he/she shall transfer to full membership and payment of full union dues, levies, etc. as determined from time to time by the State Management Committee.

25. Alteration of Rules

- 25.1 These rules may be altered or deleted or additions made thereto by a majority of members of the State Management Committee provided that at least 28 days notice to alter rules has been given by the State Management Executive to the State Management Committee.
- 25.1.1 Provided that the State Management Committee may alter rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.
- 25.1.2 Provided further that alterations to rules of an urgent nature may be made by a postal ballot of State Management committee members to determine for or against the adoption of the alterations.

26. Referendum

- 26.1 Upon request of a majority of Sub-branches comprising ten per centum of the membership requesting a referendum upon any matter, the State Management Committee shall immediately take a referendum to the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the Union.

27. Dissolution

- 27.1 Whenever the number of members in this union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at a meeting assembled at the Registered Office, finally dissolve the union subject to discharging all debts and liabilities legally incurred in the union's name and shall pay any balance to the Construction, Forestry, Mining and Energy Union.

28. Standing Orders and Rules of Debate

28.1 Call to speak:

The first speaker who attracts the attention of the President shall have precedence in speaking.

- 28.2 Members addressing the meeting shall direct their speech to the Presiding Officer, and remain standing while so doing.

28.3 Motions:

No discussion shall take place on any motion unless such motion is duly proposed and seconded. Any number of amendments may be proposed.

28.4 Amendment:

When a motion shall have been duly proposed and seconded, the President shall proceed at once to take the votes thereon; unless some member rises to oppose it or to propose an amendment; but no amendment shall be in order unless notice be given to move the same before the proposer of the resolution has replied.

- 28.5 No more than two members shall speak against any question before the meeting, and, if at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

28.6 Question be now put:

It shall be competent at any time during a debate for a member who has not already spoken to the question before the chair to move, without discussion, "That the question be now put", which on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

28.7 Speak only once:

Except in explanation, no member, other than the mover, shall speak more than once on the same motion.

28.8 Time limit:

No member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

28.9 Reply:

The mover only shall have the privilege of reply, after which the motion shall be forthwith put to the meeting.

- 28.10 Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

28.11 President's right to speak:

The President or Chairman for the time being may speak only on questions in which the interests of the office he/she represents are directly involved. In the event of the President or Chairman desiring to speak on any question, he/she shall vacate the chair.

28.12 Limit to debate:

Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the President shall forthwith call on the mover to reply, unless the meeting decided by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

28.13 *Notice of Motion*

At any meeting of the Sub-branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting; or (2) handing a copy thereof to the President. Such notice of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, unless otherwise ordered by the Sub-branch, and shall lapse if the member, or some member on his/her behalf, be not present when the order of the day for such notice is read.

28.13.1 *Motion to adjourn:*

No motion for the adjournment of the meeting shall be received while there is business before the President.

28.14 *Moving dissent from Chairman's ruling:*

Any member dissatisfied with the ruling of the Chairman may move a motion of dissent as follows, "That the Chairman's ruling be dissented from."

28.14.1 *How put:*

The motion shall then be put to the meeting by the Vice-Chairman, without discussion, in the following manner:-

28.14.2 That the question is, "That the Chairman's ruling be upheld." Those in favour of upholding the Chairman's ruling say, "Aye". Those against the Chairman's ruling being upheld say, "No".

28.14.3 The mover only shall speak to the motion, except the Chairman, who may explain his/her reasons for the ruling given.

28.14.4 The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.

28.14.5 The Vice-Chairman's ruling shall only be dissented from a direct appeal to the meeting, the question being put by the Vice- Chairman without discussion.

29. **Transitional Rules**

The rules are amended by inserting as Rule 29 the following:

- 29.1 (a) Notwithstanding anything else in these rules, the provisions of this rule shall apply from the date fixed by the Queensland Industrial Relations Commission as the date on which the amalgamation between the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees takes effect, to the date of declaration of elections in the end of 1996 held in accordance with Rule 18.

Provided that the provisions of this rule shall continue to operate until a sufficient number of union officers and members of the State Management Committee perform the functions conferred on them by the rules, have been declared elected at those elections.

- (b) Except as is otherwise provided for in this rule, this rule may be altered by resolution of the State Executive or the State Management Committee, referred to in Rule 13, by a two-thirds majority of votes cast in favour of any such alteration.

- 29.2 On amalgamation day, the list of officers shall be set out hereunder:

State Secretary:	TROHEAR, William Wallace
State President:	STONE, Peter John
State Branch Vice Presidents:	ANDERSEN, Kevin Raymond RUSHAN, Barry John
State Assistant Secretaries:	HICKEY, Mark William WATERS, Paul Brian

State Management ANDERSEN, Kevin Raymond
 Committee Members (14): BOSTOCK, Robert Herbert
 GRUER, John
 HALL, Brian Edward
 HOPTON, Ben
 HORN, Geoffrey
 MARCUS, Kim Scott
 MCGILL, Bruce
 PEARSON, Frank
 POUNTNEY, Alan Kenneth
 RICHARDSON, Trevor John
 SCOTT, Alex Ian
 VAN DER HURST, Rudolph
 TUCKER, Brian Leslie

Organisers (17): CARROLL, Kevin Francis
 CAVANAGH, Ian Ronald
 CLARK, Andrew
 CLAYTON, William Brian
 HOWCROFT, Gary John
 KERSEY, Darrel John
 MCGOVERN, Liam
 MATAKOVIC, David Danko
 MURPHY, John
 MURPHY, Keith Richard
 O'NEILL, Wayne John
 PERRETT, William James
 RAMSAY, Andrew William John
 RICHARDSON, Trevor John
 RUSHAN, Barry John
 TURNER, Robert Allan
 WIGCHERT, Albertus Franciscus

Appointed Industrial Relations Officer: RAVBAR, Michael John

Trustees (4) BOSTOCK, Robert Herbert
 STONE, Peter John
 VAN DER HURST, Rudolph
 RICHARDSON, Trevor John

- 29.3 Each person who has immediately before the amalgamation day a financial member of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland or the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees shall be on amalgamating day a financial member of the Union for as long as such person would have remained a financial member under the rules of the said Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees and thereafter subject to these rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland or the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees shall remain unfinancial until the member becomes financial in accordance with these rules.
- 29.4 Honorary members of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees who were honorary members of the said Industrial Organisations shall become honorary members of the union and shall continue to hold such honorary membership and have such rights and obligations as are provided by these rules.
- 29.5 A member of the union who in the day preceding amalgamation day was a duly appointed, credentialed or elected shop steward/delegate, workplace representative or office representative howsoever titled, of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland or the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees shall continue in that capacity on behalf of the Union, subject to these rules.

- 29.6 The property and other assets of the old Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees will become those of the union. The management of the property and assets of the union shall be in the hands of the State Management Committee.
- 29.7 The liabilities of the old Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees will become those of the union. The management of the liabilities of the union shall also be in the hands of the State Management Committee.
- 29.8 If after amalgamation day a person in sub-rule 2 of this rule is not available for any reason to hold office referred to therein or has declined to hold an office referred to therein then the State Management Committee is empowered to fill the vacancy by an appointment. However, if the vacant position was that of a painters office holder, then that position will be filled by a painters representative. The same procedure will be repeated with a representative of the old Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland filling a vacant position of a former Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland office holder.
- 29.9 The elections are scheduled for August 1996 with the Office Bearers taking up office from the 2nd January, 1997.

[Extract from Queensland Government Industrial Gazette,
dated 11th February, 1994, Vol. 145, No. 8, page 329]

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1990
s. 291 — Declaration of date for Amalgamation

The Amalgamated Society of Carpenters, Joiners,
Bricklayers and Plasterers of Australasia,
Union of Employees, Queensland

AND

Operative Painters and Decorators Union of Australia,
Queensland Branch, Union of Employees

(No. U20 of 1993)

CHIEF COMMISSIONER HALL

3 February 1994

Instrument of Amalgamation

ORDER

WHEREAS on 1 July 1993 an application was made under s. 265 of the *Industrial Relations Act 1990* (the Act) for approval of the amalgamation of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland ("ASC&J") and the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees ("OPDU") AND WHEREAS that application was amended on 24 August 1993.

AND WHEREAS an amended scheme of amalgamation filed on 10 November 1993 proposed that upon the amalgamation taking effect OPDU would be de-registered and the ASC&J would remain registered but with the altered name of the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland.

AND WHEREAS on 3 November 1993 the amalgamation was approved for submission to ballot of members of OPDU

AND WHEREAS the members of that organisation approved the amalgamation.

NOW THEREFORE, pursuant to s. 291 of the Act I fix 3 February 1994 as the day on which the amalgamation is to take effect and I de-register the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees.

D.R. HALL, Chief Industrial Commissioner.

Operative Date: 3 February 1994
Order — Declaration of date for Amalgamation

Released: 3 February 1994

V. R. Ward, Government Printer, Queensland

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1990

s. 291 -- Declaration of date for Amalgamation

The Amalgamated Society of Carpenters, Joiners,
Bricklayers and Plasterers of Australasia,
Union of Employees, Queensland

AND

Operative Painters and Decorators Union of Australia,
Queensland Branch, Union of Employees

(No. U20 of 1993)

RELEASED

INDUSTRIAL REGISTRAR

- 3 FEB 1994

QUEENSLAND

CHIEF COMMISSIONER HALL

3 February 1994

Instrument of Amalgamation

ORDER

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AND WHEREAS on 3 November 1993 the amalgamation was approved for submission to ballot of members of OPDU.

AND WHEREAS the members of that organisation approved the amalgamation.

NOW THEREFORE, pursuant to s. 291 of the Act I fix 3 February 1994 as the day on which the amalgamation is to take effect and I de-register the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees.

D.R. HALL, Chief Industrial Commissioner.

OFFICIAL SEAL

Operative Date: 3 February 1994

Order -- Declaration of date for Amalgamation

Released: 3 February 1994

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

#7

Industrial Relations Act 1990

s.398 - Application for Amalgamation

Industrial Relations Regulations 1990

Regulations 3.27



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TO: The Industrial Registrar, Industrial Registrar's Office,  
 Levels 13 & 14, Central Plaza Two, 66 Eagle Street,  
 Brisbane.

Application is hereby made by the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australia, Union of Employees, Queensland (hereinafter the "ASCJBPPDAUEQ"), the Federated Engine Drivers' and Firemens' Association of Australasia, Union of Employees, Queensland (hereinafter the "FEDFA") and the Queensland Colliery Employees Union of Employees (hereinafter the "QCEUE") for approval to put a request for amalgamation to ballot.

We hereby state as follows:-

1. The ASCJBPPDAUEQ is authorised to receive on behalf of the Applicants, service of documents in connection with the proposed amalgamation and/or in connection with each proposed alternative amalgamation.
2. The ASCJBPPDAUEQ is to become the proposed amalgamated Industrial Organisation.
3. The proposed de-registering Industrial Organisation shall be the FEDFA and the QCEUE.
4. It is proposed that:
  - (i) The name of the ASCJBPPDAUEQ shall be changed to Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (hereinafter "CFMEUEQ"); and
  - (ii) The name of the FEDFA shall be changed to the CFMEUEQ;
  - (iii) The name of the QCEUE shall be changed to the CFMEUEQ.

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5. (i) All members of the proposed de-registering Industrial Organisations are to become, upon the coming into force of the amalgamation, without payment of an entrance fee, members of the proposed amalgamated Industrial Organisation; and
  - (ii) All Life Members of the proposed de-registering Industrial organisations are to become, upon the coming into force of the amalgamation, without payment of an entrance fee, Life Members of the proposed amalgamated Industrial Organisation;
  - (iii) All Honorary Members of the proposed de-registering Industrial organisations are to become, upon the coming into force of the amalgamation, without payment of an entrance fee, Honorary Members of the proposed amalgamated Industrial Organisation.
6. The following arrangements shall exist in relation to the property of the proposed de-registering Industrial Organisations:
    - (i) The property and other assets of the FEDFA and the QCEUE shall become those of the proposed amalgamated Industrial Organisation; and
    - (ii) The management of the property and other assets of the proposed amalgamated Industrial Organisation shall be conducted by the State Executive.
  7. The following arrangements shall exist in relation to the liabilities of the proposed de-registering Industrial Organisations:
    - (i) The liabilities of the FEDFA and the QCEUE shall become those of the proposed amalgamated Industrial Organisation; and
    - (ii) The management of the liabilities of the proposed amalgamated Industrial Organisation shall be conducted by the State Executive.
  8. It is proposed to alter the Eligibility Rules of the ASCJBPPDAUEQ to those attached (marked "A"). This alteration shall not result in any extension to the Eligibility Rules of the ASCJBPPDAUEQ the FEDFA and the QCEUE. The Eligibility Rules of the ASCJBPPDAUEQ, the FEDFA and the QCEUE are attached (marked "A1", "A2" and "A3" respectively).



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9. The Constitution of the FEDFA or the QCEUE shall be included in the existing Rules of the ASCJBPPDAUEQ.

The existing Rules of the ASCJBPPDAUEQ are being deleted in their entirety and replaced with a new set of Rules, two copies are attached hereto (marked "B1") and a true copy of the resolution of the State Executive of the ASCJBPPDAUEQ amending the Rules of the ASCJBPPDAUEQ (marked "B2").

10. The proposed alternative amalgamations are:

- (i) an amalgamation between the ASCJBPPDAUEQ and the FEDFA; or
- (ii) an amalgamation between the ASCJBPPDAUEQ and the QCEUE.

11. The particulars of the differences between the proposed principal amalgamation and each alternative amalgamation are as follows:

- (i) only the Organisation whose members approve the alternative amalgamation (hereafter "Approving Organisation") shall be deregistered;
- (ii) only the name of Approving Organisation and the ASCJBPPDAUEQ shall be altered to the CFMEUEQ;
- (iii) only the members, Life members, and honorary members of the Approving Organisation, shall without payment of an entrance fee, become members of the proposed amalgamated Industrial Organisation.
- (iv) Only the property and other assets of the Approving Organisation shall become those of the proposed amalgamated Industrial Organisation;
- (v) Only the liabilities of the Approving Organisation shall become those of the proposed amalgamated Industrial Organisation;
- (vi) The eligibility rules of the ASCJBPPDAUEQ shall be altered by adding to its eligibility rules the eligibility rules of the Approving Organisation;
- (vii) The registered callings of the ASCJBPPDAUEQ shall be altered by adding to its registered callings the registered callings of the Approving Organisation;





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- (viii) Only the constitution of the Approving Organisation shall be provided for in the amended rules of the ASCJBPPDAUEQ;
  - (ix) All decisions binding on the Approving Organisation, all awards and agreements binding on the Approving Organisation and all pending proceedings in the Commission or elsewhere to which the Approving Organisation was a party, shall be binding in a like manner on the proposed amalgamating Industrial Organisation and/or the proposed amalgamating Industrial Organisation shall be a party to such pending proceedings, as the case may be;
  - (x) The subscription fees for membership of the proposed amalgamating Industrial Organisation shall on amalgamation day be the fees as are respectively set out hereunder in relation to each of the ASCJBPPDAUEQ, the FEDFA, and the QCEUE, saving always that the transitional rules of the proposed amalgamating Industrial Organisation shall provide for subscription fees of the former members of the Approving Organisation and of the former members of the ASCJBPPDAUEQ only.
12. The particulars of the differences between the Rules attached as referred to in item 9 of this application as a result of differences between the proposed amalgamation and each proposed alternative amalgamations are as follows:-
- (i) In the event that the principal amalgamation is adopted then Sub-rules 36B and 36C of the proposed Rules annexed hereto shall not have any effect,
  - (ii) In the event that the principal amalgamation is not adopted but the alternative amalgamation between the ASCJBPPDAUEQ and the FEDFA is adopted then Sub-rules 36A and Sub-rule 36C of the proposed Rules annexed hereto shall not have any effect,
  - (iii) In the event that the principal amalgamation is not adopted but the alternative amalgamation between the ASCJBPPDAUEQ and the QCEUE is adopted then Sub-rules 36A and Sub-rule 36C of the proposed Rules annexed hereto shall not have any effect,



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- (iv) The adoption of the particular transitional (ie: 36A, 36B or 36C) Sub-rule relevant to the principal amalgamation or to each of the alternative amalgamations as the case may be, shall be to give effect to the differences referred to in item 11 of this application in that only the Officers, Members, Funds, Property, eligibility, callings, subscription fees and relevant structure of the approving organisation; shall be translated into the Rules of the ASCJBPPDAUEQ to provide for the proposed amalgamated Industrial organisation.
13. It is proposed to alter the Registered Callings of the ASCJBPPDAUEQ to those attached (marked "C"). This alteration does not result in any extension of the Registered Callings of the ASCJBPPDAUEQ, the FEDFA and the QCEUE. The Registered Callings of the ASCJBPPDAUEQ, the FEDFA and the QCEUE (marked "C1", "C2" and "C3" respectively).
  14. It is proposed that the first elections for the proposed amalgamated Industrial Organisation shall occur in 1996, with Officers to take office on the 2nd of January, 1997.
  15. A copy of the Scheme of Amalgamation is attached (marked "D").
  16. A copy of the written outline of the Scheme of Amalgamation is attached (marked "E").
  17. A true copy of the Resolution of the Committee of Management of the ASCJBPPDAUEQ adopting the Scheme of Amalgamation is attached (marked "F").
  18. A true copy of the Resolution of the Committee of Management of the FEDFA adopting the Scheme of Amalgamation is attached (marked "G").
  19. A true copy of the Resolution of the Committee of Management of the QCEUE adopting the Scheme of Amalgamation is attached (marked "H").
  20. A true copy of the Rules of the proposed amalgamated Industrial Organisation are attached and marked "B1" as referred to in item 9 of this application.
  21. All Decisions, Awards and Agreements of the Industrial Relations Commission that are binding on the ASCJBPPDAUEQ, the FEDFA and the QCEUE shall be binding in a like manner on the proposed amalgamated Industrial Organisation.
  22. The proposed amalgamated Industrial Organisation shall

  
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remain as a party to any pending proceedings to which the ASCJBPPDAUEQ, the FEDFA or the QCEUE are parties.

23. Attached hereto (marked "I") is a copy of the "Yes" case in support of the proposed amalgamation which "Yes" case is filed on behalf of the ASCJBPPDAUEQ, the FEDFA and the QCEUE.
24. It is proposed that subscription for membership of the proposed amalgamated Industrial Organisation shall be at the date of amalgamation as follows:-
  - (i) Subscription fees of members of the ASCJBPPDAUEQ on amalgamation shall remain at the level of such fees as they were on the day prior to amalgamation day;
  - (ii) Subscription fees of members of the FEDFA on amalgamation shall remain at the level of such fees as they were on the day prior to amalgamation day;
  - (iii) Subscription fees of members of the QCEUE on amalgamation shall remain at the level of such fees as they were on the day prior to amalgamation day.
  - (iv) Subscription fees for entrants to membership of the proposed amalgamated Industrial Organisation who are not members of the ASCJBPPDAUEQ, the FEDFA or the QCEUE at the date of amalgamation shall be:
    - (a) For members of the Mining & Energy Divisional Branch shall be an amount equivalent to the level of fees of members of the QCEUE on the day prior to amalgamation day.
    - (b) For members of the Construction & General Divisional Branch shall be an amount equivalent to the level of fees of members of the ASCJBPPDAUEQ on the day prior to amalgamation day.

Additionally:-

25. That we, the undersigned do solemnly and sincerely declare that:-

- 25.1 The committees of management of the respective Industrial Organisations have passed a resolution approving the amalgamation and the alternative amalgamation listed in this



application.

- 25.2 That any proposed alterations of the Rules of existing Industrial Organisations concerned in the amalgamation have been made under the Rules of the Industrial Organisation.
- 25.3 We are Officers of and are fully authorised in compliance with the Act and the Rules of Court to make this application on behalf of the respective Industrial Organisations.
- 25.4 That all the statements made in this application and the annexed documents are to the best of our knowledge, information or belief true and correct in every particular;

And we make this solemn declaration and affirmation conscientiously believing the same to be true by virtue of the provisions of the Oaths Act 1867-1988.

Signed.....

SECRETARY

Signed .....

PRESIDENT

for and on behalf of the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australia, Union of Employees, Queensland.

Taken and declared  
before me at Brisbane this

1st day of Feb, 1994

.....  
A Justice of the Peace

Signed .....

SECRETARY

Signed .....

PRESIDENT

for and on behalf of the Federated Engine Drivers' and Firemens' Association of Australasia, Union of Employees, Queensland



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Taken and Declared  
before me at Brisbane this

1st day of Feb, 1994

.....  
A Justice of the Peace

Signed .....

Signed .....

SECRETARY

PRESIDENT

for and on behalf of the Queensland Colliery Employees Union  
of Employees.

Taken and Declared  
before me at Brisbane this

1st day of Feb, 1994

.....  
A Justice of the Peace





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PROPOSED ELIGIBILITY RULE OF THE PROPOSED AMALGAMATED INDUSTRIAL ORGANISATION.

4. ELIGIBILITY

4.1 The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

4.2 This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

- (a) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.
- (b) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.
- (c) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.
- (d) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-

stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

- (e) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.
- (f) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.
- (g) Signwriting, designing and/or lettering of price tickets and showcards.
- (h) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.
- (i) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.
- (j) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative





coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(k) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

(l) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production and preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.



4.3

The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, fork lift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation or power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid Officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow-motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Nothing in these Rules shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and



performing work on Hamilton Island and Dent Island from time to time.

4.4 The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

*G. Betts*  
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G. Betts, STATE SECRETARY

*D. Holloway*  
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D. Holloway, STATE PRESIDENT

*W.W. Trohear*  
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W.W. Trohear, STATE SECRETARY

*P.J. Stone*  
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P.J. Stone, STATE PRESIDENT

*P. Nielson*  
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P. Nielson, STATE SECRETARY

*A. Vickers*  
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A. Vickers, STATE PRESIDENT









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ELIGIBILITY RULE OF THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS, PLASTERERS, PAINTERS AND DECORATORS OF AUSTRALIA, UNION OF EMPLOYEES, QUEENSLAND

### ELIGIBILITY

The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

- (a) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.
- (b) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.
- (c) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.
- (d) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

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- (e) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.
- (f) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.
- (g) Signwriting, designing and/or lettering of price tickets and showcards.
- (h) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.
- (i) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.
- (j) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.
- (k) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for



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*G. Betts*  
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G. Betts, STATE SECRETARY

*D. Holloway*  
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D. Holloway, STATE PRESIDENT

*W.W. Trohear*  
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W.W. Trohear, STATE SECRETARY

*P.J. Stone*  
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P.J. Stone, STATE PRESIDENT

*P. Nielson*  
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P. Nielson, STATE SECRETARY

*A. Vickers*  
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A. Vickers, STATE PRESIDENT







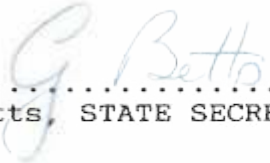


ELIGIBILITY RULE OF THE FEDERATED ENGINE DRIVERS' AND FIREMENS' ASSOCIATION OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, fork lift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation or power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid Officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow-motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Nothing in these Rules shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

  
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G. Betts, STATE SECRETARY

  
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D. Holloway, STATE PRESIDENT

  
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W.W. Trohear, STATE SECRETARY

  
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P.J. Stone, STATE PRESIDENT

  
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P. Nielson, STATE SECRETARY

  
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A. Vickers, STATE PRESIDENT









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ELIGIBILITY RULE OF THE QUEENSLAND COLLIERY EMPLOYEES UNION OF EMPLOYEES

The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

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*P. Nielson*  
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P. Nielson, STATE SECRETARY

*A. Vickers*  
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A. Vickers, STATE PRESIDENT

  
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# RULES OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND



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## 1. NAME

The name of the Union shall be the:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland,  
described in these rules as the "Union", and the "Association".

## 2. DEFINITIONS

"Divisional Branch" shall mean a Divisional Branch of the Union established under these Rules and as far as practicable be on industry or occupational lines.

"Divisional Branch Rules" refers to the Rules of each of the Divisional Branches unless the context specifies reference to a particular Divisional Branch.

"Financial Member" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union and Divisional Branch.

"Lodge" shall mean a Sub-Branch of a Divisional Branch established in accordance with these Rules and shall cover a particular geographical region, occupational basis or area. A reference in these Rules of the Union to a Sub-Branch shall be taken to also be a reference to a lodge.

"Member" shall mean a member of the Union, male or female.

"Preferential Voting" shall mean a system of voting in which the Voter shall place the number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his/her preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.



In cases where more than one position is to be filled the numbers placed opposite the candidates names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"Proportional Representation" shall mean a system of representation at Committees, Conferences, Executives or other organisational bodies which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these Rules, that each person on such Committee, Conference, Executive or other organisational bodies, represents.

"Sub-Branch" shall mean a Sub-Branch of a Divisional Branch established in accordance with these Rules and shall cover a particular geographical region.

"State Rules" refers to the Rules of the Union other than Rules of Divisional Branches.

"Sub-Branch Rules" shall refer to the rules of Sub-Branches of Divisional Branches.

"Union" shall mean this Union and shall include all its Divisional Branches, Sub-Branches, lodges and/or any other section or part of the Union.

"Union Rules" refers to the Rules of the Union as a whole and is inclusive of the Rules of each of the Divisional Branches and the State Rules.

"Union Fund" shall mean all funds, assets or real property vested in the Union but shall not be inclusive of:-

- (a) any funds, assets or real property held in a Divisional Branch Fund; and/or
- (b) any funds, assets or real property the beneficial use of which or control of which derives to a Divisional Branch Fund.

"Divisional Branch Fund" shall mean the fund of each of the Divisional Branches which for the purposes of carrying out all or any objects of the Union may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans or by any other funds, assets or real property that may be attributed to the Divisional Branch Fund for its use and benefit pursuant to the Rules of the Union and without limiting the generality of the foregoing, shall consist of:-

- (a) any real or personal property of which the Divisional Branch by the Union Rules or by any established practice not inconsistent with the Union Rules, has, or holds for its use and benefit or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
- (b) any entrance fees, subscriptions, fines, fees, or levies received by the Divisional Branch;
- (c) any interest, rents, dividends or other income derived from the investment of the funds of the Divisional Branch;



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- (d) any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its Officers or employees;
- (e) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the Divisional 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.

### 3. REGISTERED OFFICE, PLACE OF MEETING & REGISTERED OFFICER

- 3.1 The Registered Office of the Union shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed.
- 3.2 The Registered Office shall be the place of meeting for the purposes of conducting the business of the Union except where the State Management Committee directs otherwise.
- 3.3 Without limiting the powers conferred by any law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.
- 3.4 The principal Officer of the Union shall, for all purposes, be the State Secretary.
- 3.5 Nothing in this State Rule affects the operation of any other State Rules relating to the powers of a Divisional Branch Secretary.

### 4. ELIGIBILITY

- 4.1 The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer, majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.
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  - (a) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

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- (k) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.
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Provided that mobile crane drivers, operators of fork lifts and/or tow-motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Nothing in these Rules shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

4.4 The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

## 5. OBJECTS

The objects of the Union are as follows:

5.1 To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

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- 5.2 To regulate the conditions under which all members, of the Union may be employed.
- 5.3 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.
- 5.4 To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.
- 5.5 To establish a funeral and other benefit funds.
- 5.6 To establish Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout Queensland.
- 5.7 To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.
- 5.8 To constitute, conduct, carry on and manage clubs in the interest of members.
- 5.9 To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.
- 5.10 To establish and manage a Union Journal or Journals.
- 5.11 To hold, purchase, lease, sell, mortgage or otherwise deal in property.
- 5.12 To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.
- 5.13 To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.
- To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Divisional Branches, and to assist other trades by any legal method.
- 5.15 To obtain such other objects as the State Conference or State Executive shall from time to time determine.
- 5.16 To organise the education of members.
- 5.17 To establish a fund from which to provide retiring allowances to full time Officers and employees of the Union or its Divisional Branches.
- 5.18 The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory Unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

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- 5.19 To achieve such other objects as may be lawfully adopted by any Divisional Branch of the Union.
- 5.20 To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration system in the State.
- 5.21 Consistent with the objects provided for in Sub-rule 5.1 to 5.20 inclusive of this Rule and without limiting nor detracting from the generality of those objects to more particularly have the following objects:
- (a) to improve the conditions and to protect the interests of the members of the Divisional Branch by increasing the proportionate share of the wealth to the workers and endeavouring to educate and work for the complete abolition of the present wage system and the substitution of the common ownership of the means of production, distribution and exchange;
  - (b) to discuss, consider and put into force when approved, any scheme for the better guidance and extension of Australian industrial organisation;
  - (c) to uphold the Rules of the Divisional Branch and to regulate the conditions under which members may be employed;
  - (d) to prevent by conference or otherwise needless cessation of work;
  - (e) to provide a weekly allowance for the support of members who may be locked out, or on strike, or victimised, and to resist any unjust regulation connected with their employment;
  - (f) to obtain legislative enactments for the more efficient management of mines, whereby the lives and health of miners may be preserved and, if necessary, to take steps to obtain compensation for accidents where employers are liable;
  - (g) to make the hours of labour not more than six in twenty-four for all persons working in or about the industry of coal, shale metal, coke, smelting works, metal processing, bulk loading and power generation and supply in Queensland;
  - (h) to secure and maintain an effective general agreement between the members of the Union and their employers embodying rates, wages and conditions, to be settled by mutual agreement or by arbitration;
  - (i) to prevent illegal stoppages of wages of members at the pay Office;
  - (j) to assist all Unions that have the same or similar objects as this Union;
  - (k) to induce all persons working in or about the industry of coal, shale metal, coke, smelting works, metal processing, bulk loading and power generation and supply in Queensland to become members of this Union;
  - (l) to secure the return of working-class representatives in Parliament to promote such legislative enactment as will ensure industrial justice to Australian workers;
  - (m) in order to further or ensure the better advocacy of the principles and rights of labour or

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for any other purpose which the Divisional Board of Management may deem proper, to support, own in whole or in part, and/or subsidise any newspaper or any other publication advocating the cause of labour;

- (n) to do any other act provided for in the Rules of the Divisional Branch;
- (o) to raise funds by levies, subscriptions, contributions, donations and loans for all or any of the objects of the Divisional Branch or for any charitable object;
- (p) from time to time to raise funds for the purpose of applying and/or investing the same;
- (q) to federate or to amalgamate with any trade or industrial Union or organisation, or to join or to co-operate with them in any way deemed desirable or necessary for carrying out all or any of the objects set out herein;
- (r) to carry on or participate directly or indirectly alone or with others in the carrying on of any mining or prospecting operation and related activities thereto;
- (s) to take, subscribe for or otherwise acquire and hold any interest or shares, debentures, stock or other security of any company or trust or acquire any interest in any company or trust to achieve the furtherance of any of the objects of the Divisional Branch;
- (t) to raise funds whether by loan or otherwise for all or any of the objects of the Divisional Branch and to invest such funds in such manner as the Divisional Branch shall see fit;
- (u) to purchase, take on lease or in exchange, hire and otherwise acquire and sell any real and personal property and any rights or privileges which may be necessary or convenient for the furtherance of any of the objects of the Divisional Branch;
- (v) to do any other act or thing to achieve or further the objects of the Divisional Branch.

## 6. DIVISIONAL BRANCHES

6.1 The Union shall be divided into Divisional Branches as follows and each member of the Union shall be allocated, in accordance with the industries or occupations in which they are engaged, to the relevant Divisional Branch:-

### 6.2 Mining and Energy Divisional Branch

All members engaged or usually engaged in the Industries of mining and processing of mine products, the transport and handling of mine products, the electricity generation and supply industry, and such other members as may be allocated by State Conference.

### 6.3 Queensland Construction and General Divisional Branch

All members, of the Union, other than members allocated pursuant to Sub-rule 6.2 of this Rule, that are not otherwise allocated to any other Divisional Branch.

### 6.4 Allocation of Officers and Employees to Divisional Branches

All members who are not otherwise members of a Divisional Branch and who are Officers or

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employees of the Union shall be allocated to a Divisional Branch by the State Executive. The State Executive in determining such allocation shall take into account any Industry or Divisional Branch association, involvement or affinities of such member, whether historical or current. Such member shall be deemed to be employed in the industry of that Divisional Branch for all purposes under these Union Rules. Provided that all Officers and employees of the Union shall be eligible to nominate for any position designated as full-time State Offices by the State Executive.

#### 6.5 Disputes

Any dispute arising out of the application of this Rule shall be referred by either of the Divisional Branch Secretaries to the State Executive for determination and the decision of the State Executive shall be final.

#### 6.6 Divisional Branch Autonomy

Each Divisional Branch shall have autonomy to decide matters which do not directly affect the members of another Divisional Branch without any interference by any other body within the Union, including but not limited to;

- (a) the industrial interests of its members;
- (b) the election of Officers within the Divisional Branches;
- (c) matters arising from the Objects of the Divisional Branch;
- (d) structure of the Divisional Branch.



6.7 Each Divisional Branch shall have autonomy in relation to its funds, assets or real property held in its Divisional Branch fund or funds, assets or real property in relation to which the beneficial use has derived to its Divisional Branch fund.

#### 6.8 Divisional Branch Rules

Each Divisional Branch shall have Rules and have power to make, alter or rescind such Rules, to be called Divisional Branch Rules. Without limiting the generality of the foregoing paragraph, each Divisional Branch shall have power to determine policy for that Divisional Branch not inconsistent with the Rules and policy of the Union as decided by State Conference or State Executive.

6.9 If there is any environmental matter that directly affects the employment of members of one Divisional Branch only, then that Divisional Branch whose members are so affected shall have the power to determine the policy of the Union on that matter.

6.10 Divisional Branches may, in accordance with their Rules, have Sub-Branches along a geographic, occupational or area basis.

### 7. MEMBERSHIP

7.1 A candidate for membership of the Union may make application to the State Secretary, or the Divisional Branch Secretary of the Divisional Branch covering the Industry in which the person is employed (in this Sub-rule the "relevant Divisional Branch"), or the Sub-Branch Secretary of



the Sub-Branch covering the area in which the person resides, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the relevant Divisional Branch. Any such application shall be forwarded to the Office of the relevant Divisional Branch which under the Rules of that Divisional Branch deals with such applications.

- 7.2 The decision to accept or reject that application shall be made in accordance with the Rules of the relevant Divisional Branch.

Provided always that a candidate for membership of the Union shall be admitted if the candidate is a person who:-

- (a) by the nature of the candidate's occupation or employment engages in a calling that is a registered calling of the Union; and
- (b) has the qualifications required by the eligibility rules of the Union; and
- (c) is not of general bad character.

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- 7.3 If such application is accepted the applicant shall be deemed to be a member of the Union from the date of receipt of the application by the relevant Divisional Branch. Where an application is received by the State Secretary, the State Secretary shall forthwith forward such application for membership to the Divisional Branch Secretary of the relevant Divisional Branch.

- 7.4 Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

- 7.5 Any application for membership may be referred to the State Executive by the Divisional Branch to whom application is made or by the member.

- 7.6 Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the State Executive, whose decision shall be final.

- 7.7 A member shall be attached to the Divisional Branch of the Union covering the industry or employment of the member and shall be in only one such Divisional Branch. Each member shall be notified of the Divisional Branch which such member is attached and such Divisional Branch shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Divisional Branch to which that member is assigned.

- 7.8 Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the Union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules of the Union has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Divisional Branch without loss of continuity of membership.

- 7.9 Any Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used by any previously registered organisation of employees which has become, upon amalgamation, part of this Union.



7.10 A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

7.11 Candidates for membership when admitted to membership shall enjoy all advantages of membership for as long as the person complies with the Rules of the Union.

7.12 A member, being aware of the death of any other member, shall notify the Divisional Branch Secretary of the Divisional Branch to which the deceased member belonged.

## 8. ENTRANCE FEES AND CONTRIBUTIONS/FINANCIAL STATUS

8.1 Entrance fees and contributions payable by any person on application to join the Union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the Divisional Branch which, in accordance with the State Rules, the person or member is to be or is assigned.

8.2 Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the Rules of the Union on or before the date specified in any such Rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the Union Rules may provide that some members or some class of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

8.3 A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

## 9. CLEARANCES

9.1 Members desiring to transfer to any other Union covering their calling shall make application to the Divisional Branch Secretary, or where the Rules of the Union so provide, a Sub-Branch, in writing, and shall pay all dues owing to the Union and the members transfer will be forwarded to the Secretary of the Union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other Union.

9.2 Any member of a kindred trade Union, or any Union whose Awards cover workers specified in the Rules of the Union, may be admitted to membership on production to the Divisional Branch Secretary, or where the Rules of the Division so provide, a Sub-Branch, of a clearance from such Union showing that all dues, contributions and levies payable to such Union have been paid. The membership of a person so admitted shall commence as from the date of the production of his clearance. The Rules of the Union may provide for persons who had been members of any Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

9.3 A clearance shall not be granted to any member unless all moneys owing have first been paid.

## 10. RESIGNATION OF MEMBERS

10.1 A financial member may terminate membership of the Union by written notice addressed and delivered to the State Secretary.

10.2 Notification of such resignation shall be taken as duly given if:-

- (a) it is left at the registered Office of the Union; or
- (b) it is addressed to the Union, or any Officer thereof, and sent by post to the registered Office of the Union.

10.3 If a financial member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the Union and/or the Divisional Branch in accordance with Divisional Branch Rules.

10.4 Termination of membership by resignation does not affect the liability of the member or former member to pay such fees or levies as may have been owing at the date of resignation, and such moneys may be sued for and recovered in the name of the Union or the Divisional Branch.

10.5 A financial member of the Union may also terminate membership of the Union by resigning pursuant to the Rules of the Divisional Branch.

#### 11 REGISTER OF MEMBERS

A register of members and Officers of the Union and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder, pursuant shall be kept at the registered Office of the Union and so far as such records relate to a Divisional Branch at the Office of that Divisional Branch.

#### 12. RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for by the State Secretary or by the Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the Rules of the Union.

#### 13. LEVIES

13 Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

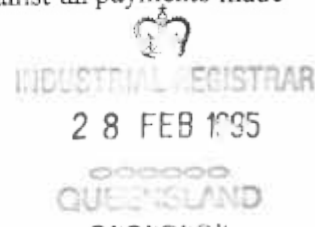
13.2 The amount of any levy shall be decided by a majority of the State Conference or State Executive and shall not exceed \$50.00 and when so decided shall be binding on all members or sections of members as State Conference or State Executive may decide.

13.3 A Divisional Branch may impose a levy on its members.

13.4 A levy may be of one specific sum, payable at one specific time, or may be of a weekly, fortnightly or monthly period, payable for a certain specific period.

13.5 All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

#### 14. FUNDS OF THE UNION





- 14.1 Each Divisional Branch shall pay to the Union on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions in accordance with the State Rules.

#### Divisional Branch Expenses

Provided that each Divisional Branch is responsible to meet all costs associated with the operation of its Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including State Conference and State Executive unless otherwise decided by the State Conference or by the State Executive.

- 14.2 All moneys received by the Union shall be paid to the credit of the Union on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two of the following persons who are the State Secretary, Assistant Secretary or State President provided that both signatories shall not be Officers from the one Divisional Branch.
- 14.3 All expenditure for ordinary purposes, incurred in directly furthering the objects of the Union or the expense of management, may be disbursed by the decision of the State Secretary and either the State President or an Assistant Secretary provided that both signatories shall not be Officers from the one Divisional Branch.
- 14.4 Expenditure for other purposes authorised by the State Rules may be disbursed by a majority decision of the State Conference or State Executive.
- 14.5 The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union. The funds of the Union shall be invested in the name of the Union. In the case of Divisional Branches, it shall be invested in the name of the Union with the additional words containing the name of the Divisional Branch being added thereto. Where it is not possible to invest the money or funds in such name the investment shall be made in the name of the Trustees appointed under the Divisional Branch Rules. All funds, assets or real property of the Union, vested in the Union Fund shall be under the control of the State Executive, provided consistently with the Union Rules, that any funds, assets or real property held in a Divisional Branch Fund or in relation to which the beneficial use derived to a Divisional Branch Fund, shall be under the control of the Divisional Branch Executive of the Divisional Branch concerned.

The funds of the Union shall be invested in such securities as are permitted by the Laws of Queensland and/or the Commonwealth for the investment of funds by Trustees.

- 14.6 Nothing in this Rule prevents the Union from entering into an agreement with a Trade or Industrial Union or Organisation of Employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Union, as funds of the Union.

#### 15. STATE CONFERENCE

- 15.1 The supreme governing body of the Union shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years in accordance with these State Rules. The State Conference shall meet not later than 14th March in the year following the elections in the Divisional Branches, and at least every two (2) years thereafter.

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- 15.2 The State Conference shall consist of all the members of the Divisional Branch Management Committees.
- 15.3 Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the applicable Divisional Branch.
- 15.4 Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of that Divisional Branch Management Committee entitled to vote. Provided that nothing in this Sub-rule shall prevent proxy voting or multiple voting.
- 15.5 Members of the State Conference shall remain in Office until the election of their successors.
- 15.6 Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialled and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.
- 15.7 Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch to act as proxy in the delegate's stead, providing such appointment is made in writing.
- 15.8 Where a Delegates Divisional Branch Management Committee agrees, a delegate may appoint as a proxy to the State Conference an elected delegate from another Divisional Branch.
- 15.9 A quorum of the State Conference shall be deemed to be a simple majority of the total delegates to State Conference.
- 15.10 The State Conference shall have power, unless any Rule of the Union deprives that State Conference of the power or grants to another body within the Union exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of the Union and to co-ordinate Divisional Branches within Queensland for the care, control and management of the Union.
- 15.11 The function of the State Conference shall be to co-ordinate the Divisional Branches and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:
- (a) perform such functions referred to it by the Divisional Branches;
  - (b) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and on behalf of the Union as a whole;
  - (c) supervise the funds, if any, paid to the Union Fund by the Divisional Branches;
  - (d) subject to the review of its actions by the Divisional Branch Management Committees, settle disputes between the Divisional Branches.
- 15.12 Provided always that State Conference shall not have the power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

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- 15.13 Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at a time and place as stipulated by the members in such demand.

16. **STATE EXECUTIVE**

- 16.1 There shall be a State Executive comprised of:-

- (a) the elected State Officers; and
- (b) the full time elected Officers of each Divisional Branch, (other than Organisers except where Union Rules otherwise provide) who are not otherwise a member of the Executive; and
- (c) the President of each Divisional Branch who is not otherwise a member of the State Executive.

- 16.2 Meetings of State Executive shall be held in the manner provided for in Sub-rule 15.13 of the State Rules.

17. **STATE EXECUTIVE - POWERS & DUTIES**

The State Executive shall, unless its actions are overturned by the State Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, state funds, and property of the Union and shall have and may exercise no more and no less than all of the powers of the State Conference and, without limiting the generality of the foregoing may:

- (a) interpret and enforce the general policy of the Union as decided by State Conference;
- (b) control and conduct the business and affairs of the Union while State Conference is not in session;
- (c) appoint the editor of any Union journal and manage and control the policy of such journal;
- (d) hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;
- (e) settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected;
- (f) expend such moneys by way of ordinary expenditure as may be necessary;
- (g) submit any matter to the members for decision by ballot;
- (h) ensure that Officers, committee members, delegates or members and Divisional Branches carry out the Rules and decisions of the Union and subject to Rule 22 of these State Rules





impose penalties (i.e. fines not exceeding the sum of one hundred dollars), suspension, expulsion or dismissal from Office, upon any Officers, members, representatives, committee members or delegates for knowingly refusing to comply with the Rules of the Union or the decisions of the State Conference or the State Executive.

Provided that the Rules of the Union, the decisions of State Conference or the State Executive are available to members in the minutes of the State Conference or the State Executive as the case may be at each Divisional Branch Office. No penalty shall be imposed unless -

- (i) the Officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;
- (ii) particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;
- (iii) the Officer, member, representative, committee member or delegate is afforded an opportunity of being present at the hearing and of being heard in the Officer, member, representative, committee member or delegate own defence, including an opportunity to cross-examine and to give and call evidence.

The period of suspension imposed under these Rules shall not exceed six months;

- (i) subject to State Rules relating to the autonomy of Divisional Branches, take such action as may be necessary to secure the satisfactory working of any Divisional Branch in the event of the affairs of that Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 22 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the State Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch;
- (j) control and supervise the work of the State Officers of the Union;
- (k) all decisions of the State Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these State Rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Divisional Branch from which they derive;
- (l) a loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by this Union unless the State Executive has satisfied itself -
  - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and
  - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and



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

Subject always to Sub-rule 6.6 of these State Rules and the Rules of the Divisional Branches providing for Donations, Loans and Grants;

- (m) subject to State Rule 33, make, alter and rescind any of the Rules of the Union, and Divisional Branch Rules, provided that any amendment to the Rules of a Divisional Branch shall be effected only with the consent of the Divisional Branch in accordance with the Rules of that Divisional Branch;
- (n) affiliate to any body on behalf of the Union, or, if any Divisional Branch objects to any affiliation to affiliate on behalf of those Divisional Branches which do not so object;
- (o) appoint representatives of the Union to any body;
- (p) to affiliate to the Australian Council of Trade Unions, Queensland Branch, and appoint representatives thereto on the basis of proportional representation of each Divisional Branch.

18.

#### **MEMBERS OF STATE EXECUTIVE AND MEMBERS OF STATE CONFERENCE**

Members of State Executive and members of State Conference shall attend meetings of those bodies when summoned so to do.

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#### **STATE OFFICERS**

The State Officers of the Union shall be the State President, the State Secretary, the State Senior Vice President, two State Vice President/s, two State Assistant Secretary/s and such State Officers shall hold Office until their successors are elected.

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#### **ELECTION OF STATE OFFICERS**

20.1

The State Officers, shall be elected by and from the State Conference. The election shall be held pursuant to this Rule. Provided always that each Divisional Branch shall be represented by at least one State Officer.

20.2

A State Officer shall hold only one Office referred to in Rule 19 of these Rules at any one time.

20.3

A State Officer shall nominate for Office by declaring at State Conference their intention to do so.

20.4

In the event that more than 1 State Conference delegate nominates for any Office a ballot of members of State Conference shall be conducted.

20.5

The State Conference shall appoint a Returning Officer and two scrutineers who shall not hold any Office in, and not be an employee of, the Union, the Divisional Branch or a Sub-Branch, to conduct all required ballots, including the quadrennial ballot. The State Conference shall appoint only after applications for the position have been called through all Divisional Branches. The appointment shall be made by a majority vote of members of the State Conference at its last meeting prior to the quadrennial ballot.

20.6

In the event of only one nomination being received for any Office that candidate shall be

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declared elected by the Returning Officer.

20.7

If a ballot is required then:

- (a) the Returning Officer shall be the Returning Officer appointed pursuant to this Rule;
- (b) if any member of State Council has not properly declared themselves as a candidate for the ballot the Returning Officer shall give them the opportunity to do so prior to commencing the Ballot;
- (c) the ballot shall be conducted at the State Conference by the Returning Officer;
- (d) such ballot shall be conducted as a secret ballot;
- (e) each member of State Conference shall be entitled to vote on a proportional representational basis;
- (f) such ballot shall be preferential;
- (g) the Returning Officer shall prepare a ballot paper for each contested Office and in preparing such ballot paper shall place the names in order of the ballot with such order determined by lot;
- (h) a ballot paper shall not be marked in any way such as to identify the member of State Conference voting and the Returning Officer shall not take into account in determining the election any ballot paper so marked. It shall be a matter for the final decision of the Returning Officer as to whether or not any ballot paper is so marked;
- (i) a State Conference member voting in an election for an Office shall place a tick or cross next to the name of the candidate for whom they are casting their vote;
- (j) in the event of an equality of votes being cast for any candidates, which candidates have the greatest number of votes cast, the Returning Officer shall determine the election by lot drawn between the candidates having the equality of votes;
- (k) each candidate may appoint prior to the commencement of the Ballot a scrutineer and shall if making an appointment immediately notify the Returning Officer;
- (l) the scrutineer, if appointed, shall subject to the direction of the Returning Officer be entitled to observe the drawing of names by lot, the counting of the Ballot, the assignment of preferences, and in the case of an equality of votes the drawing of the lot;
- (m) the scrutineer shall not in any way interfere in the process of the election and shall if observing any potential irregularity notify the potential irregularity to the Returning Officer who shall attend to any such potential irregularity in accordance with this Rule.

20.8 The Returning Officer shall forthwith declare at the State Conference the result of any election.

20.9 The Returning Officer shall to the extent necessary for the proper conduct of the Ballot and so as to avoid as far as is practicable any irregularities in the conduct of the ballot, be responsible for interpreting this Rule.



20.10 Provided nothing contained in this Rule prevents the conduct of the election by the Australian Electoral Commission or the Electoral Commission Queensland.

20.11 A candidate elected to Office shall hold that Office from the declaration of the elections by the Returning Officer until the declaration by the Returning Officer at the end of the fourth year following, when the elections for the next term of Office-bearers are declared.

20.12 The term of Office of State Officers of the Union shall be four (4) years.

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## 21. VACANCIES IN OFFICE - OF STATE OFFICERS

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Where, in accordance with the Rules of the Union, an Officer of a Divisional Branch ceases to hold Office as an Officer of the Divisional Branch, such an Officer shall at the same time cease to hold Office as a State Officer. Provided that the member who replaces such a Divisional Branch Officer in Office in the Divisional Branch shall also fill the vacancy created in the position of State Officer only until such time as the State Officers position can be filled in accordance with the Rules of the Union governing the casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the Rules of the Union governing elections.

## 22. REMOVAL OF STATE OFFICERS

22.1 Any State Officer may be removed from Office by majority decision of the State Executive, provided that such State Officer shall not be dismissed from Office unless the State Officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold Office.

22.2 Any State Officer so removed from Office shall have the right of appeal to the State Conference. In the event of the appeal being upheld the State Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

22.3 In the event of the re-election of a State Officer removed from office under this Rule, such Officer shall be reimbursed by a payment of monies that represent the difference between such salary the Officer would have received had the Officer not been removed from Office and the amount of salary the Officer received during the period the Officer was removed from Office.

## 23. STATE PRESIDENT

23.1 A State President shall preside at meetings of State Conference, State Executive and meetings convened by State Conference or State Executive if it is possible for the State President to be present.

23.2 The State President shall have a deliberative vote only.

23.3 The State President shall perform all duties assigned to the State President by the State Conference or State Executive and shall be responsible with the State Secretary for the allocation of duties and responsibilities arising from decisions of the State Conference or the State Executive.

## 24. STATE VICE PRESIDENT

24.1 The State Vice President shall assist the State President/s in the conduct of meetings and, in the



absence of the State President/s, shall act as State President.

- 24.2 They shall carry out such other duties as shall be determined from time to time by the State Conference or State Executive.

25. **STATE SECRETARY**

- 25.1 The State Secretary shall be responsible for the general correspondence of the Union, State finance, filing of documents, industrial returns and the carrying out of decisions made by State Conference or State Executive.

- 25.2 The State Secretary shall have the power, subject to decisions of the State Executive and/or State Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the State Office and allocate duties and responsibilities within the State Office.

- 25.3 The State Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the State Office, together with a statement of the assets and liabilities of the State Office for the year ending 31st December in each year.

- 25.4 Such financial statement shall be presented to the State Executive for its approval and be published within the journal of the State Union.

- 25.5 The State Secretary shall have the power to deal with the Funds of the Union in accordance with the State Rules and in accordance with State Rule 14.3.

- 25.6 The State Secretary shall carry out such other functions as shall be determined from time to time by the State Conference or State Executive.

26. **STATE ASSISTANT SECRETARIES**

State Assistant Secretaries shall perform all duties assigned to them by State Conference, by State Executive and/or by the State Secretary. They shall attend meetings of State Conference and State Executive.

**VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED**

- 27.1 If the State Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule, to a vote of State Conference or State Executive at any time when it is inconvenient to call State Executive or State Conference together, the State Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, in writing, by computer link and/or by any other means of communication.

- 27.2 A copy of such resolution shall, as soon as practicable thereafter, be sent to each Divisional Branch Secretary. The votes on such resolution shall be returnable to the State Secretary at such time as the State Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

- 27.3 Provided that where no record can be kept of the vote and/or decision, such record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

- 27.4 No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the State Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the State Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the State Secretary.
- 27.5 The State Secretary shall keep a register of names and addresses of members of the State Executive and delegates to State Conference from the names submitted by the Divisional Branch Returning Officers, and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.
- 27.6 Divisional Branch Secretaries shall within fourteen (14) days of the election of delegates to State Conference and members of the State Executive notify the State Secretary of their names and addresses.
28. **REFERENDA**
- 28.1 On receipt of a petition signed by not less than 10% of the financial members of the Union, the State Executive shall take a referendum of the whole of the members of the Union upon a matter or matters submitted by the petition.
- 28.2 A decision reached by the majority of the actual votes recorded in such a referendum shall be binding on the Union, including the State Conference and the State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Divisional Branch.
- 28.3 Where a petition has been received pursuant to Sub-rule 28.1 of this Rule the State Conference, the State Executive or the State Officers, shall not, so far as is practicable, until the completion of the referendum, act in relation to the matter the subject of the referendum.
- 28.4 The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.
- 28.5 The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall:-
- (a) determine the question to be submitted to the members entitled to vote and the form of the ballot paper;
  - (b) fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same;
  - (c) appoint a State Returning Officer and State Scrutineer to conduct the ballot which will be by way of a secret postal ballot;
  - (d) ensure that no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member;
  - (e) in all other respects that referendum shall be held as nearly as practicable to the manner provided for the holding of Referenda by a Divisional Branch excepting that the roll of voters shall be the financial membership of the Union at the end of the calendar month



immediately preceding the holding of the referendum; and

- (f) the Returning Officer shall forthwith declare upon the counting of the Ballot the result of the referendum to State Executive.

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29. **AUDIT**

29.1 The State Executive shall appoint an Auditor a competent person who shall each year for the financial year ending 31st December audit the books and accounts of the Union and draw up a correct audit report on same in accordance with the State Legislation.

29.2 The Auditor shall, in the aforesaid report, draw attention to the State Executive to any deficiencies or other matters the Auditor may think proper. The Auditor shall have full and complete access to all books and documents of the Union.

29.3 For the purposes of this Rule a competent person shall have the same meaning as in the Industrial Relations Act 1990 as amended and Regulations pursuant thereto.

30. **ARBITRATION PROCEEDINGS**

In all circumstances where an Industrial Dispute, within the meaning of the Industrial Relations Act 1990 as amended from time to time, exists and where such dispute remains unresolved despite attempts by the Union for its part to genuinely attempt a settlement of the Industrial dispute, then the State Secretary, shall forthwith give notification of the Industrial Dispute in the manner required by the Industrial Relations Act 1990, as amended.

31. **SEAL**

31.1 The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction Forestry, Mining and Energy, Industrial Union of Employees, Queensland".

31.2 The seal shall be affixed to all documents and instruments required to be under seal only on the authority of a resolution of the State Executive. The affixing of the seal shall be attested by the State President and the State Secretary or the State Assistant Secretary or State Vice-President and the State Secretary or State Assistant Secretary. The Seal shall be kept in the custody of the State Secretary.

32. **RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONAL BRANCHES**

These State Rules and all the Rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

33. **ALTERATION OF RULES**

33.1 The Rules of the Union, or any of them, may be altered, rescinded, varied or made by the State Conference and/or State Executive. Proposals for alterations or Rules may be forwarded by Divisional Branches or any member of the State Executive or delegate to the State Conference and shall be forwarded to members and/or delegates with the notice calling the State Conference or State Executive, as the case may be, or so soon thereafter as is practicable. Provided that State Conference or State Executive may, in session, alter Rules of which previous notice has not been



given.

33.2 Alterations to Rules of the Union may be made, at the discretion of the State Secretary, by postal, telegraphic, facsimile, written and/or any other means of communication as a ballot of State Conference or State Executive. Such a Rule change will have the same effect as a change made in a session of the State Conference or State Executive.

33.3 Provided that no Rule change shall be effected without the approval of a Divisional Branch, by either the State Conference or State Executive, which affects the existence of that Divisional Branch or interferes with its autonomy under these Rules, including the internal structures of a Divisional Branch.

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#### 34. DISSOLUTION

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34.1 The Union shall not be dissolved unless all of the existing Divisional Branches agree. Provided that a Divisional Branch shall cease to exist wherever the number of financial members of that Divisional Branch is reduced below the numbers provided for in the Rules of a Divisional Branch.

34.2 Where a Divisional Branch ceases to exist and the Union continues, the property of that defunct Divisional Branch shall be vested in the Divisional Branch to which the members of the defunct Divisional Branch are allocated.

34.3 Where the Union is dissolved the property of the Union shall be vested in the Trustees of each existing Divisional Branch at the time of dissolution for the benefit of the members thereof on the basis that each such Divisional Branch will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in the Divisional Branch shall be divided between the existing Divisional Branches on a basis proportionate to the membership of each such Divisional Branch.

#### 35. STANDING ORDERS

35.1 Motions - How Dealt With. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of members present agree to an extension of time.

35.2 Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

35.3 A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

35.4 A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

35.5 Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

35.6 All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question. If the votes are equal the question is resolved in the negative.

35.7 A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

35.8 Right of Speaker. Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in his/her opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

- (a) in reply as the mover of the original motion;
- (b) in explanation or correction of some matter during the debate;
- (c) upon a point or order raised during the debate;
- (d) upon a resolution being carried "that he now be heard".



35.9 A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him/her.

35.10 No more than two delegates or members shall be allowed to speak for or against in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

35.11 Any delegate or member speaking shall at once resume his/her seat:-

- (a) if the chairperson rises to speak; or
- (b) if a point of order is raised,

and shall not resume his speech until the point of order is decided.

35.12 No delegate or member may speak to any question after it has been put by the chairperson or during the taking of the vote.

#### Reports

35.13 A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of State Conference or State Executive thereon. If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of State Conference or State Executive on the matter.

35.14 A motion for the adjournment of State Conference or State Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to



the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

35.15 When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

35.16 The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

35.17 It shall be competent by a majority vote of the delegates or members present for State Conference or State Executive to suspend the order of business.

35.18 State Conference or State Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The Rules governing the business of State Conference or State Executive shall be observed when in Committee.

35.19 If a member who is entitled to vote at any election held under these Rules or any other Rules of the Union will be absent from his/her usual address during a ballot such member may apply to the Returning Office for a ballot paper to be sent to him/her at an address which he/she nominates.

#### 35.20 Manner of Summoning Meetings

The State Executive, or a Divisional Branch/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a Union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

#### 36. TRANSITIONAL RULE

36.1 In this Rule the following words and phrases have the meaning assigned hereunder:

ASCJBPPDAUEQ - The Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australia, Union of Employees, Queensland

FEDFA - The Federated Engine Drivers' and Firemens' Association of Australasia, Union of Employees, Queensland

QCEUE - The Queensland Colliery Employees Union of Employees



|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OPDU -                                                                                                         | The Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees                                                                                                                                                                                                                                                                                                                                                                                                                      |
| ASCJB&P -                                                                                                      | The Amalgamated Society of Carpenters, Joiners, Bricklayers, and Plasterers, Union of Employees, Queensland                                                                                                                                                                                                                                                                                                                                                                                                          |
| Amalgamation Day -                                                                                             | The date fixed by the Industrial Relations Commission as the date on which the amalgamation between the ASCJBPPDAUEQ, the FEDFA and the QCEUE takes effect, or in the event of the amalgamation between the ASCJBPPDAUEQ, the FEDFA, and the QCEUE not occurring but an amalgamation in the alternative between the ASCJBPPDAUEQ and the FEDFA or the ASCJBPPDAUEQ and the QCEUE occurring, then the date the Industrial Relations Commission fixes as the date on which that alternative amalgamation takes effect. |
| Principal Amalgamation -                                                                                       | The amalgamation of the ASCJBPPDAUEQ, the FEDFA and the QCEUE.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Alternative Amalgamation the ASCJBPPDAUEQ and the FEDFA -                                                      | The amalgamation that occurs in the alternative between the ASCJBPPDAUEQ and the FEDFA.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Alternative Amalgamation the ASCJBPPDAUEQ and the QCEUE -                                                      | The amalgamation that occurs in the alternative between the ASCJBPPDAUEQ and the QCEUE.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Joint State Secretary, Joint State President, Joint Assistant State Secretaries, Joint State Vice-Presidents - | Where these transitional Rules provide for the joint holding of any Office in the Union or in the Divisional Branches a singular reference in the Rules of the Union to a holder of an Office where ever it appears shall be taken for the purposes of implementing the Rule as a reference to each joint holder of that Office.                                                                                                                                                                                     |

  
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36.2

Notwithstanding anything else in these Rules, the provisions of this Rule shall apply from amalgamation day, to the date that persons elected pursuant to the declaration of elections in 1996 held in accordance with the Union Rules, take office on the 2nd of January, 1997, and such Officers holding office pursuant to this Rule shall hold office subject to this Rule and the Rules of the Union until the 2nd of January, 1997 provided that the provisions of this Rule shall continue to operate until a sufficient number of Officers, members of State Executive, members of State Conference, members of the Divisional Branch Management Committee, Divisional

Branch Board of Management, Divisional Branch Executives and Divisional Branch Officers as will enable the Officers, the State Executive, the State Conference, the Divisional Branch Management Committee, the Divisional Branch Board of Management and Divisional Branch Executives to perform the functions conferred on them by the Union Rules, have been declared elected at those elections, and have taken office.

- 36.3 Except as is otherwise provided for in this Rule, this Rule may be altered by resolution of the State Executive or the State Conference provided that of the votes cast 2/3 of the total vote are cast in favour of any such alteration.

36.A1 PRINCIPAL AMALGAMATION

In the event that the principal amalgamation is approved by a ballot of the members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE then **Rules 36.3B** and **36.3C** shall not apply.

36.A2 STATE EXECUTIVE

On amalgamation day the State Executive shall be as set out hereunder:

|                                 |                 |
|---------------------------------|-----------------|
| Joint State Secretary           | Wallace Trohear |
| Joint State Secretary           | Greg Betts      |
| Joint State President           | Andrew Vickers  |
| Joint State President           | Des Holloway    |
| Joint State President           | Peter Stone     |
| Joint State Vice President      | John Guinnane   |
| Joint State Vice President      | Kevin Andersen  |
| Joint State Vice President      | Peter Neilson   |
| Joint State Assistant Secretary | Gary Howcroft   |
| Joint State Assistant Secretary | Geoff Wilson    |
| Joint State Assistant Secretary | Paul Waters     |



- 36.A3 There shall be a State Conference as referred to in State Rule 15, which shall meet in accordance with these Rules annually and commencing in 1995.

- 36.A4 Each Divisional Branch shall be entitled to delegates to State Conference in accordance with State Rule 15.

- 36.A5 On amalgamation day the members of the State Conference shall be as set out hereunder:

- (a) the State Executive as provided for in Sub-rule 36.A2 of this Rule;
- (b) Mining & Energy Divisional Branch Board of Management members:

HALL, G.  
KUNST, R.  
BARRON, R.  
LATIFI, H.  
O'BRIEN, M.  
CLARK, R.  
BUTLER, B.  
READIE, J.  
MORLEY, R.

FECHNER, R.  
CURRIE, M.  
LAMBLEY, J.  
BARKER, R.  
BEST, R.  
COLEMAN, R.  
CONWAY, P.  
NESBIT, J.  
HEUMILLER, P.  
BLOXSOM, D.  
STAKER, R.

- (c) Queensland Construction & General Divisional Branch Management Committee members:

POUTNEY, Allan  
HALL, Brian  
BOSTOCK, Robert  
RICHARDSON, Trevor  
GRUER, John  
SCOTT, Alex  
TUCKER, Brian  
PEARSON, Frank  
MARCUS, Kim  
HORN, Geoffrey  
VAN DER HORST, Rudy  
HOPTON, Ben  
DOUGLAS, Selwyn  
WILSON, Lawrie  
SCHUBER, Brian  
HAYES, Rodney  
SPENCER, James  
RAMPTON, Noel  
CURREN, Bill  
GENRIC, Laurie  
BEATTIE, Russell  
PRICE, Chris  
ROSIER, Terry



- 36.A6 There shall be a Divisional Branch Committee of Management and a Divisional Branch Board of Management as provided for in Rules respectively of the Queensland Construction and General Divisional Branch Board of Management and the Mining and Energy Divisional Branch Committee of Management.
- 36.A7 Such Branch Divisional Committee of Management and Divisional Branch Board of Management shall meet as provided by these Rules.
- 36.A8 On amalgamation day the Divisional Branch Board of Management and Divisional Branch Committee of Management shall be as set out hereunder:

- (a) Mining & Energy Divisional Branch Board of Management members:



President (Trustee)  
 Secretary (Trustee)  
 Assistant Secretary (Trustee)  
 Vice President (Trustee)  
 Vice President  
 Vice President  
 Vice President  
 Vice President

VICKERS, A.  
 NEILSON, P.  
 BETTS, G.  
 LAMBLEY, J.  
 BARKER, R.  
 HEUMILLER, P.  
 BLOXSOM, D.  
 STAKER, R.  
 HALL, G.  
 KUNST, R.  
 BARRON, R.  
 LATIFI, H.  
 O'BRIEN, M.  
 CLARK, R.  
 BUTLER, B.  
 READIE, J.  
 MORLEY, R.  
 FECHNER, R.  
 CURRIE, M.  
 BEST, R.  
 COLEMAN, R.  
 CONWAY, P.  
 NESBIT, J.  
 HOLLOWAY, D.



(b) Queensland Construction & General Divisional Branch Committee of Management members:

Positions:

Divisional Branch Secretary  
 Divisional Branch Assistant Secretary  
 Divisional Branch Assistant Secretary  
 Divisional Branch Assistant Secretary (Trustee)

TROHEAR, Wallace

HOWCROFT, Gary

WATERS, Paul

WILSON, Geoff  
 POUTNEY, Allan

Divisional Branch President (Trustee)

STONE, Peter  
 HALL, Brian

(Trustee)  
 (Trustee)

BOSTOCK, Robert  
 RICHARDSON, Trevor  
 GRUER, John  
 SCOTT, Alex  
 TUCKER, Brian  
 PEARSON, Frank  
 MARCUS, Kim  
 ANDERSEN, Kevin  
 HORN, Geoffrey  
 VAN DER HORST, Rudy  
 HOPTON, Ben

Divisional Branch Vice-President  
 (Trustee)

Divisional Branch Vice-President

GUINNANE, John  
DOUGLAS, Selwyn  
WILSON, Lawrie  
SCHUBER, Brian  
HAYES, Rodney  
SPENCER, James  
RAMPTON, Noel  
CURREN, Bill  
GENRIC, Laurie  
BEATTIE, Russell  
PRICE, Chris  
ROSIER, Terry

  
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36.A9 Each person who was immediately before amalgamation day a financial member of the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall be on amalgamation day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the ASCJBPPDAUEQ, the FEDFA and the QCEUE and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall remain unfinancial until the member becomes financial in accordance with the Rules of the Union.

36.A10 Members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE not allocated or assigned to Divisional Branches on the day preceding amalgamation day shall be attached on amalgamation day, as follows:-

- (a) ASCJBPPDAUEQ - all members of the ASCJBPPDAUEQ shall be attached to the Construction & General Divisional Branch;
- (b) FEDFA - all members usually engaged in the Industries of Mining and Processing of mine products, the electricity generation and supply industry to the Mining and Energy Divisional Branch;
- (c) FEDFA - all members not engaged pursuant to Sub-rule (b) of this Rule to the Construction and General Divisional Branch;
- (d) QCEUE - all members of the QCEUE shall be attached to the Mining & Energy Divisional Branch.

Provided that State Conference may allocate members other than those referred to in Sub-rule (b) and (d) of this Rule to the Mining and General Divisional Branch.

36.A11 Life members of the ASCJBPPDAUEQ, the FEDFA and of the QCEUE who were Life Members of the said Industrial Organisations on the day preceding amalgamation day shall become Life Members of the Union and shall continue to hold such Life Membership and have such rights and obligations as are provided for by the Rules of the Union.

36.A12 Honorary members of the ASCJBPPDAUEQ, the FEDFA and of the QCEUE who were Honorary Members of the said Industrial Organisations on the day preceding amalgamation day shall become Honorary Members of the Union and shall continue to hold such Honorary Membership and have such rights and obligations as are provided for by the Rules of the Union.

36.A13 A member of the Union who, on the day preceding amalgamation day was a duly appointed,



credentialed or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall continue in that capacity on behalf of the Union, subject to the Rules of the Union.

- 36.A14 Any Sub-Branches, Lodges, District Committees, Regional Committees of Stewards, Regional Committees of Workplace Representatives, howsoever called established pursuant to the Rules of the ASCJBPPDAUEQ, the FEDFA and the QCEUE and in existence on the day preceding amalgamation day shall on amalgamation day be Sub-Branches, Lodges, District Committees, Regional Committees of Stewards or Regional Committees of Workplace Representatives of the Union and shall continue subject to the Rules of the Union.
- 36.A15 The Auditor of the State Office of the Union shall on amalgamation day be the auditor who on the day prior to amalgamation day was the auditor appointed to audit the ASCJBPPDAUEQ and the auditor in respect of the Divisional Branches shall in respect of each Divisional Branch be the auditor who on the day prior to amalgamation day was appointed as auditor of the ASCJBPPDAUEQ in respect of the Queensland Construction and General Divisional Branch and the QCEUE in respect of the Mining & Energy Divisional Branch.
- 36.A16 All property and other assets of the ASCJBPPDAUEQ, the FEDFA and the QCEUE held respectively by the Industrial Organisations on the day preceding amalgamation day shall become the property and other assets of the Union on amalgamation day. Provided that on amalgamation day there shall in accordance with the Rules of the Union be a Union Fund and a fund of each Divisional Branch and provided that all funds, assets or real property held respectively in the Union Fund of the ASCJBPPDAUEQ, the FEDFA, or the QCEUE and any funds, assets or real property the beneficial use of which derived respectively to the Union Fund of the ASCJBPPDAUEQ, the FEDFA, or the QCEUE on the day prior to amalgamation day, shall on amalgamation day be attributed to the use and benefit of the Fund of the Divisional Branches on a basis that accords with the allocation of the membership of the ASCJBPPDAUEQ, the FEDFA and the QCEUE from the ASCJBPPDAUEQ, the FEDFA and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation.
- 36.A17 The liabilities of the ASCJBPPDAUEQ, the FEDFA and the QCEUE owed respectively by the Industrial Organisations on the day preceding amalgamation day shall become the liabilities of the Union on amalgamation day. Provided that any liabilities of the ASCJBPPDAUEQ, the FEDFA and the QCEUE which existed on the day preceding amalgamation day, shall on amalgamation day be a first charge upon the Divisional Branch Fund of each Divisional Branch in a proportion which accords with the allocation of the membership of the ASCJBPPDAUEQ, the FEDFA and the QCEUE from the ASCJBPPDAUEQ, the FEDFA and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation and only in circumstances of a Divisional Branch being unable to discharge such liability from its Divisional Branch Fund, shall such liability be discharged from the Union Fund.
- 36.A18 Any affiliation to a state or national organisation by the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall be maintained by the Union subject to the Rules of the Union.
- 36.A19 If on amalgamation day a person named in this Rule is not available for any reason to hold an Office referred to in this Rule or has declined to hold an Office referred to in this Rule then the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management is empowered to fill the vacancy by an appointment made from members allocated to the Divisional Branch to which the vacancy applies or if no Divisional Branch is relevant then the State Executive is empowered to fill the vacancy by an appointment made from members of the Union.



36.A20 Subject to Sub-rule A19 of this Rule and to the Rules of the Union, in the event of a casual vacancy occurring in the Offices referred to in Sub-rules 36.A2, 36.A5 and 36.A.8 of this Rule the vacancy shall be filled by an appointment made by the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management as the case may be from members allocated to that Divisional Branch to which the vacancy applies, and if there is no relevant Divisional Branch then by the State Executive from members of the Union.

36.A21 Elections shall be held in 1996 for all Offices and representative bodies in the Union and its Divisional Branches, with Office bearers and representatives to take Office on and from the 2nd of January, 1997.

36.A22 The annual subscription fees to be paid by members of the Union subsequent to amalgamation day shall be:-

- (a) for members who were members of the ASCJBPPDAUEQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
- (b) for members who were members of the FEDFA on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
- (c) for members who were members of the QCEUE on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.

36.A23 For entrants to the Union who were not members of the ASCJBPPDAUEQ, the FEDFA or the QCEUE on the day prior to amalgamation day:

- (a) for new members of the Mining & Energy Divisional Branch an amount equivalent to the level of fees of members of the QCEUE on the day prior to amalgamation day;
- (b) for new members of the Queensland Construction & General Divisional Branch an amount equivalent to the level of fees of members of the ASCJBPPDAUEQ on the day prior to amalgamation day.

Provided always that the Respective Divisional Branch Executives of the Union shall be able to determine the scales of subscription fees in relation to their Divisional Branch in accordance with their Divisional Branch Rules.

36.A24 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Management Committee shall consist of all former members of the State Management Committees of the ASCJBPP&D and all former members of the State Management Committee of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-

|                     |        |
|---------------------|--------|
| those from Rule 4.1 | 56%;   |
| those from Rule 4.2 | 13.2%; |
| those from Rule 4.3 | 30.8%. |

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36.A25 Where a member of the Queensland Construction & General Divisional Branch Management Committee resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A17. The members vote shall be adjusted

to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.A24 of this Rule.

- 36.A26 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Executive shall consist of all former members of the State Executive of the ASCJBPP&D and all former members of the State Executive of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-

|                     |        |
|---------------------|--------|
| those from Rule 4.1 | 56%;   |
| those from Rule 4.2 | 13.2%; |
| those from Rule 4.3 | 30.8%. |

- 36.A27 Where a member of the Queensland Construction & General Divisional Branch Executive resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A19. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.A26 of this Rule.

- 36.A28 The members forming the joint State Executive of the FEDFA and the QCEUE in the industries of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Executive of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Executive until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Executive then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

- 36.A29 The members forming the joint State Board of Management of the FEDFA and the QCEUE in the industries of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Board of Management of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Board of Management until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Board of Management then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

36.B1 ALTERNATIVE AMALGAMATION - the ASCJBPPDAUEQ & the FEDFA

In the event that the principal amalgamation is not approved by a ballot of the members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE but the alternative amalgamation between the ASCJBPPDAUEQ and the FEDFA is approved by the ballot of the members of the ASCJBPPDAUEQ and the FEDFA then Rules 36.A1 and 36.C1 shall not apply and in lieu thereof the following shall apply:

- 36.B2 On amalgamation day the State Executive shall be as set out hereunder:

Joint State Secretary

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|                                 |                |
|---------------------------------|----------------|
| Joint State Secretary           | Greg Betts     |
| Joint State President           | Des Holloway   |
| Joint State President           | Peter Stone    |
| Joint State Vice President      | John Guinnane  |
| Joint State Vice President      | Kevin Andersen |
| Joint State Assistant Secretary | Gary Howcroft  |
| Joint State Assistant Secretary | Geoff Wilson   |
| Joint State Assistant Secretary | Paul Waters    |

36.B3 There shall be a State Conference as referred to in the State Rules, which shall meet in accordance with the State Rules annually and commencing in 1995.

36.B4 Each Divisional Branch shall be entitled to delegates in accordance with State Rule 15.

36.B5 On amalgamation day the members of the State Conference shall be as set out hereunder:

- (a) the State Executive as provided for in Sub-rule 36.B2 of this Rule;
- (b) Mining & Energy Divisional Branch Board of Management members:

BEST, R.  
COLEMAN, R.  
CONWAY, P.  
NESBIT, J.  
HEUMILLER, P.  
BLOXSOM, D.  
STAKER, R.

- (c) Queensland Construction & General Divisional Branch Management Committee Members:

POUTNEY, Allan  
HALL, Brian  
BOSTOCK, Robert  
RICHARDSON, Trevor  
GRUER, John  
SCOTT, Alex  
TUCKER, Brian  
PEARSON, Frank  
MARCUS, Kim  
HORN, Geoffrey  
VAN DER HORST, Rudy  
HOPTON, Ben  
DOUGLAS, Selwyn  
WILSON, Lawrie  
SCHUBER, Brian  
HAYES, Rodney  
SPENCER, James  
RAMPTON, Noel  
CURREN, Bill  
GENRIC, Laurie  
BEATTIE, Russell

  
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PRICE, Chris  
ROSIER, Terry

- 36.B6 There shall be a Divisional Branch Committee of Management and Divisional Branch Board of Management as provided for in these Rules respectively for the Queensland Construction and General Divisional Branch and the Mining and Energy Divisional Branch.
- 36.B7 Such Branch Divisional Committee of Management and Divisional Branch Board of Management shall meet as provided by these Rules.
- 36.B8 On amalgamation day the Divisional Branch Board of Management and the Divisional Branch Committee of Management of the Mining and Energy Divisional Branch and the Queensland Construction and General Divisional Branch respectively shall be as set out hereunder:

(a) Mining & Energy Divisional Board of Management members:

Positions:

President  
Secretary  
Vice-President  
Vice-President  
Vice-President  
Union Inspector

HOLLOWAY, D.  
BETTS, G.  
HEUMILLER, P.  
BLOXSOM, D.  
STAKER, R.  
BEST, R.  
COLEMAN, R.  
CONWAY, P.  
NESBIT, J.

  
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(b) Queensland Construction & General Divisional Branch Committee of Management members:

Positions:

Divisional Branch Secretary
Divisional Branch Assistant
Secretary
Divisional Branch Assistant
Secretary
Divisional Branch Assistant
Secretary (Trustee)

Divisional Branch President
(Trustee)

(Trustee)
(Trustee)

Divisional Branch President

TROHEAR, Wallace

HOWCROFT, Gary

WATERS, Paul

WILSON, Geoff
POUTNEY, Allan
STONE, Peter

HALL, Brian
BOSTOCK, Robert
RICHARDSON, Trevor
GRUER, John
SCOTT, Alex
TUCKER, Brian
PEARSON, Frank
MARCUS, Kim
ANDERSEN, Kevin

(Trustee)	HORN, Geoffrey
	VAN DER HORST, Rudy
	HOPTON, Ben
Divisional Branch Vice-President	GUINNANE, John
	DOUGLAS, Selwyn
	WILSON, Lawrie
	SCHUBER, Brian
	HAYES, Rodney
	SPENCER, James
	RAMPTON, Noel
	CURREN, Bill
	GENRIC, Laurie
	BEATTIE, Russell
	PRICE, Chris
	ROSIER, Terry



36.B9 Each person who was immediately before amalgamation day a financial member of the ASCJBPPDAUEQ and the FEDFA shall be on amalgamation day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the ASCJBPPDAUEQ and the FEDFA and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the ASCJBPPDAUEQ and the FEDFA shall remain unfinancial until the member becomes financial in accordance with the Union Rules.

36.B10 Members of the ASCJBPPDAUEQ and FEDFA not allocated or assigned to Divisional Branches on the day preceding amalgamation day shall be attached on amalgamation day, as follows:-

- | | | | |
|-----|--------------|--------------|---|
| (a) | ASCJBPPDAUEQ | Construction | - The Unions Queensland Construction and General Divisional Branch; |
| (b) | FEDFA | Construction | - The Unions Queensland Construction and General Divisional Branch; |
| (c) | FEDFA | General | - The Unions Queensland Construction and General Divisional Branch; |
| (d) | FEDFA | Mining | - The Unions Mining & Energy Divisional Branch; |
| (e) | FEDFA | Energy | - The Unions Mining & Energy Divisional Branch. |

Provided the State Conference may allocate members other than those referred to in Sub-rule (d) and (e) of this Rule to the Mining and Energy Divisional Branch.

36.B11 Life members of the ASCJBPPDAUEQ and of the FEDFA who were Life Members of the said Industrial Organisations on the day preceding amalgamation day shall become Life Members of the Union and shall continue to hold such Life Membership and have such rights and obligations as are provided for by the Union Rules.

36.B12 Honorary members of the ASCJBPPDAUEQ and of the FEDFA who were Honorary Members of the said Industrial Organisations on the day preceding amalgamation day shall become

Honorary Members of the Union and shall continue to hold such Honorary Membership and have such rights and obligations as are provided for by the Union Rules.

- 36.B13 A member of the Union who, on the day preceding amalgamation day was a duly appointed, credentialled or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the ASCJBPPDAUEQ or the FEDFA shall continue in that capacity on behalf of the Union, subject to the Union Rules.
- 36.B14 Any Sub-Branches, Lodges, Shop Committees, District Committees or Regional Committees of Workplace Representatives, howsoever called established pursuant to the Rules of the ASCJBPPDAUEQ, or the FEDFA and in existence on the day preceding amalgamation day shall on amalgamation day be, Sub-Branches, Lodges, Shop Committees, Regional Committees of Stewards or Regional Committees of Workplace Representatives howsoever called of the Union.
- 36.B15 The Auditor of the State Office of the Union shall on amalgamation day be the auditor who on the day prior to amalgamation day was the auditor appointed to audit the ASCJBPPDAUEQ and the auditor in respect of the Divisional Branches shall in respect of each Divisional Branch be the auditor who on the day prior to amalgamation day was appointed as auditor of the ASCJBPPDAUEQ in respect of the Queensland Construction & General Divisional Branch and the FEDFA in respect of the Mining & Energy Divisional Branch.
- 36.B16 All property and other assets of the ASCJBPPDAUEQ and the FEDFA held respectively by the Industrial Organisations on the day preceding amalgamation day shall become the property and other assets of the Union on amalgamation day. Provided that on amalgamation day there shall in accordance with the Rules of the Union be a Union Fund and a fund of each Divisional Branch and provided that all funds, assets or real property held respectively in the Union Fund of the ASCJBPPDAUEQ or the FEDFA and any funds, assets or real property the beneficial use of which derived respectively to the Union Fund of the ASCJBPPDAUEQ or the FEDFA on the day prior to amalgamation day, shall on amalgamation day be attributed to the use and benefit of the Fund of the Divisional Branches on a basis that accords with the allocation of the membership of the ASCJBPPDAUEQ and the FEDFA from the ASCJBPPDAUEQ and the FEDFA to the Divisional Branches of the amalgamated Industrial Organisation.
- 36.B17 The liabilities of the ASCJBPPDAUEQ and the FEDFA owed respectively by the Industrial Organisations on the day preceding amalgamation day shall become the liabilities of the Union on amalgamation day. Provided that any liabilities of the ASCJBPPDAUEQ and the FEDFA which existed on the day preceding amalgamation day, shall on amalgamation day be a first charge upon the Divisional Branch Fund of each Divisional Branch in a proportion which accords with the allocation of the membership of the ASCJBPPDAUEQ and the FEDFA from the ASCJBPPDAUEQ and the FEDFA to the Divisional Branches of the amalgamated Industrial Organisation and only in circumstances of a Divisional Branch being unable to discharge such liability from its Divisional Branch Fund, shall such liability be discharged from the Union Fund.
- 36.B18 Any affiliation to a state or national organisation by the ASCJBPPDAUEQ or the FEDFA shall be maintained by the Union subject to the Union Rules.
- 36.B19 If on amalgamation day a person named in this Rule is not available for any reason to hold an Office referred to in these Rules or has declined to hold an Office referred to in these Rules then the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management as the case may be is empowered to fill the vacancy by an appointment made from members allocated to the Divisional Branch to which the vacancy applies or if no Divisional Branch is relevant then the State Executive is empowered to fill the vacancy by an appointment

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made from members of the Union.

36.B20 Subject to Sub-rule 36.B19 of this Rule and to the Rules of the Union and of the Divisional Branches, in the event of a casual vacancy occurring in the Offices referred to in Sub-rules 36.B2, 36.B5, 36.B8 of this Rule the vacancy shall be filled by an appointment made by the relevant Divisional Branch Committee of Management from members allocated to that Divisional Branch to which the vacancy applies, and if there is no relevant Divisional Branch then by the State Executive from members of the Union.

36.B21 Elections shall be held in 1996 for all Offices and representative bodies in the Union and its Divisional Branches, with Office bearers and representatives to take Office on and from the 2nd of January, 1997.

36.B22 The annual subscription fees to be paid by members of the Union subsequent to amalgamation day shall be:-

- (a) for members who were members of the ASCJBPPDAUEQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
- (b) for members who were members of the FEDFA on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.

36.B23 For entrants to the Union who were not members of the ASCJBPPDAUEQ or the FEDFA on the day prior to amalgamation day:

- (a) for new members of the Mining & Energy Division branch Committee members an amount equivalent to the level of fees of members of the FEDFA on the day prior to amalgamation day;
- (b) for new members of the Construction & General Divisional Branch an amount equivalent to the level of fees of members of the ASCJBPPDAUEQ on the day prior to amalgamation day.

Provided always that the Respective Divisional Branch Executives of the Union shall be able to determine the scales of subscription fees in accordance with their Divisional Branch Rules hereof.

36.B24 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Management Committee shall consist of all former members of the State Management Committees of the ASCJBPP&D and all former members of the State Management Committee of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-

those from Rule 4.1	56%;
those from Rule 4.2	13.2%;
those from Rule 4.3	30.8%.


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36.B25 Where a member of the Queensland Construction & General Divisional Branch Management Committee resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A17. The members vote shall be adjusted

to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.B24 of this Rule.

- 36.B26 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Executive shall consist of all former members of the State Executive of the ASCJBPP&D and all former members of the State Executive of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-

those from Rule 4.1	56%;
those from Rule 4.2	13.2%;
those from Rule 4.3	30.8%.



- 36.B27 Where a member of the Queensland Construction & General Divisional Branch Executive resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A19. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.A26 of this Rule.

- 36.B28 The members of the FEDFA on the Joint State Executive of the FEDFA and the QCEUE in the industry of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Executive of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Executive until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Executive then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

- 36.B29 The members of the FEDFA on the Joint Divisional Board of Management of the FEDFA and the QCEUE in the industry of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Board of Management of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Board of Management until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Board of Management then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

- 36.C1 ALTERNATIVE AMALGAMATION - ASCJBPPDAUEQ and the QCEUE

In the event that the principal amalgamation is not approved by ballot of the members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE but the alternative amalgamation between the ASCJBPPDAUEQ and the QCEUE is approved by ballot of the members of the ASCJBPPDAUEQ and the QCEUE then Rules 36.A1 and 36.B1 hereof shall not apply and in lieu thereof the following shall apply:

- 36.C2 On amalgamation day the State Executive shall be as set out hereunder:

Joint State Secretary

Wallace Trohear

Joint State Secretary	Peter Neilson
Joint State President	Peter Stone
Joint State President	Andrew Vickers
Joint State Vice President	John Guinnane
Joint State Vice President	Kevin Andersen
Joint State Assistant Secretary	Gary Howcroft
Joint State Assistant Secretary	Paul Waters

36.C3 There shall be a State Conference as referred to in the State Rules, which shall meet in accordance with the State Rules annually and commencing in 1995.

36.C4 Each Divisional Branch shall be entitled to delegates in accordance with Rule 15.

36.C5 On amalgamation day the members of the State Conference shall be as set out hereunder:

- (a) the State Executive as provided for in this Sub-rule 36.C2 of this Rule; and
- (b) Mining & Energy Division Branch Board of Management members:

Positions:

Vice-President
Vice-President

J. Lambley
R. Barker
G. Hall
R. Kunst
R. Barron
H. Latifi
M. O'Brien
R. Clark
B. Butler
J. Readie
R. Morley
R. Fechner
M. Currie



- (c) Queensland Construction & General Divisional Branch Management Committee members:

Positions:

(Trustee)
(Trustee)

(Trustee)

POUTNEY, Allan
HALL, Brian
BOSTOCK, Robert
RICHARDSON, Trevor
GRUER, John
SCOTT, Alex
TUCKER, Brian
PEARSON, Frank
MARCUS, Kim
HORN, Geoffrey
VAN DER HORST, Rudy
HOPTON, Ben

SCHUBER, Brian
 ROSIER, Terry

- 36.C6 There shall be a Divisional Branch Committee of Management and a Divisional Branch Board of Management as provided for in these Rules respectively for the Queensland Construction and General Divisional Branch and the Mining and Energy Divisional Branch.
- 36.C7 Such Branch Divisional Committee of Management and Divisional Branch Board of Management shall meet as provided by these Rules.
- 36.C8 On amalgamation day the Divisional Branch Board of Management and the Divisional Branch Committee of Management of the Mining and Energy Divisional Branch and the Queensland Construction and General Divisional Branch respectively shall be as set out hereunder:

(a) Mining & Energy Divisional Branch Board of Management members:

Positions:

President (Trustee)	A. Vickers
Secretary (Trustee)	P. Neilson
Vice-President (Trustee)	J. Lambley
Vice-President (Trustee)	R. Barker
	G. Hall
	R. Kunst
	R. Barron
	H. Latifi
	M. O'Brien
	R. Clark
	B. Butler
	J. Readie
	R. Morley
	R. Fechner
	M. Currie



(b) Queensland Construction & General Divisional Branch Committee of Management members:

Positions:

Joint State Secretary	TROHEAR, Wallace
Joint State Secretary	NEILSON, Peter
Joint State President	STONE, Peter
Joint State President	VICKERS, Andrew
Joint State Vice President	GUINNANE, John
Joint State Vice President	ANDERSEN, Kevin
Joint State Assistant Secretary	HOWCROFT, Gary
Joint State Assistant Secretary	WATERS, Paul
	POUTNEY, Allan
	HALL, Brian
(Trustee)	BOSTOCK, Robert
(Trustee)	RICHARDSON, Trevor
	GRUER, John

(Trustee)

SCOTT, Alex
 TUCKER, Brian
 PEARSON, Frank
 MARCUS, Kim
 HORN, Geoffrey
 VAN DER HORST, Rudy
 HOPTON, Ben
 SCHUBER, Brian
 ROSIER, Terry



36.C9 Each person who was immediately before amalgamation day a financial member of the ASCJBPPDAUEQ and the QCEUE shall be on amalgamation day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the ASCJBPPDAUEQ and the QCEUE and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the ASCJBPPDAUEQ and the QCEUE shall remain unfinancial until the member becomes financial in accordance with the Union Rules.

36.C10 Members of the ASCJBPPDAUEQ and the QCEUE not allocated or assigned to Divisional Branches on the day preceding amalgamation day shall be attached on amalgamation day, as follows:-

- | | | | |
|-----|--------------|--------------|---|
| (a) | ASCJBPPDAUEQ | Construction | - The Unions Queensland Construction and General Divisional Branch; |
| (b) | QCEUE | Mining | - The Unions Mining & Energy Divisional Branch. |

Provided that State Conference may allocate members other than those referred to in Sub-rule (b) of this Rule to the Mining and Energy Divisional Branch.

36.C11 Life members of the ASCJBPPDAUEQ and of the QCEUE who were Life Members of the said Industrial Organisations on the day preceding amalgamation day shall become Life Members of the Union and shall continue to hold such Life Membership and have such rights and obligations as are provided for by the Union Rules.

36.C12 Honorary members of the ASCJBPPDAUEQ and of the QCEUE who were Honorary Members of the said Industrial Organisations on the day preceding amalgamation day shall become Honorary Members of the Union and shall continue to hold such Honorary Membership and have such rights and obligations as are provided for by the Union Rules.

36.C13 A member of the Union who, on the day preceding amalgamation day was a duly appointed, credentialled or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the ASCJBPPDAUEQ or the QCEUE shall continue in that capacity on behalf of the Union, subject to the Union Rules.

36.C14 Any Sub-Branche, Lodges, Shop Committees, District Committees, Regional Committees of Workplace Representatives, howsoever called established pursuant to the Rules of the ASCJBPPDAUEQ, or the QCEUE and in existence on the day preceding amalgamation day shall

on amalgamation day be, Sub-Branches, Lodges, Shop Committees, Regional Committees of Stewards or Regional Committees of Workplace Representatives, howsoever called, of the Union.

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- 36.C15 The Auditor of the State Office of the Union shall on amalgamation day be the auditor who on the day prior to amalgamation day was the auditor appointed to audit the ASCJBPPDAUEQ and the auditor in respect of the Divisional Branches shall in respect of each Divisional Branch be the auditor who on the day prior to amalgamation day was as appointed auditor of the ASCJBPPDAUEQ in respect of the Queensland Construction & General Divisional Branch and the QCEUE in respect of the Mining & Energy Divisional Branch.
- 36.C16 All property and other assets of the ASCJBPPDAUEQ and the QCEUE held respectively by the Industrial Organisations on the day preceding amalgamation day shall become the property and other assets of the Union on amalgamation day. Provided that on amalgamation day there shall in accordance with the Rules of the Union be a Union Fund and a fund of each Divisional Branch and provided that all funds, assets or real property held respectively in the Union Fund of the ASCJBPPDAUEQ or the QCEUE and any funds, assets or real property the beneficial use of which derived respectively to the Union Fund of the ASCJBPPDAUEQ or the QCEUE on the day prior to amalgamation day, shall on amalgamation day be attributed to the use and benefit of the Fund of the Divisional Branches on a basis that accords with the allocation of the membership of the ASCJBPPDAUEQ and the QCEUE from the ASCJBPPDAUEQ and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation.
- 36.C17 The liabilities of the ASCJBPPDAUEQ and the QCEUE owed respectively by the Industrial Organisations on the day preceding amalgamation day shall become the liabilities of the Union on amalgamation day. Provided that any liabilities of the ASCJBPPDAUEQ and the QCEUE which existed on the day preceding amalgamation day, shall on amalgamation day be a first charge upon the Divisional Branch Fund of each Divisional Branch in a proportion which accords with the allocation of the membership of the ASCJBPPDAUEQ and the QCEUE from the ASCJBPPDAUEQ and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation and only in circumstances of a Divisional Branch being unable to discharge such liability from its Divisional Branch Fund, shall such liability be discharged from the Union Fund.
- 36.C18 Any affiliation to a state or national organisation by the ASCJBPPDAUEQ or the QCEUE shall be maintained by the Union subject to the Union Rules.
- 36.C19 If on amalgamation day a person named in this Rule is not available for any reason to hold an Office referred to in this Rule or has declined to hold an Office referred to in this Rule then the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management as the case may be is empowered to fill the vacancy by an appointment made from members allocated to the Divisional Branch to which the vacancy applies or if no Divisional Branch is relevant then the State Executive is empowered to fill the vacancy by an appointment made from members of the Union.
- 36.C20 Subject to Sub-rule 36.C19 of this Rule and to the Rules of the Union and of the Divisional Branches, in the event of a casual vacancy occurring in the Offices referred to in Sub-rules 36.C2, 36.C5 and 36.C8 of this Rule the vacancy shall be filled by an appointment made by the relevant Divisional Branch Committee of Management from members allocated to that Divisional Branch to which the vacancy applies, and if there is no relevant Divisional Branch then by the State Executive from members of the Union.
- 36.C21 Elections shall be held in 1996 for all Offices and representative bodies in the Union and its

Divisional Branches, with Office bearers and representatives to take Office on and from the 2nd of January, 1997.

36.C22 The annual subscription fees to be paid by members of the Union subsequent to amalgamation day shall be:-

- (a) for members who were members of the ASCJBPPDAUEQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
- (b) for members who were members of the QCEUE on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.

36.C23 For entrants to the Union who were not members of the ASCJBPPDAUEQ or the QCEUE the day prior to amalgamation day:

- (a) for new members of the Mining & Energy Division branch Committee members an amount equivalent to the level of fees of members of QCEUE on the day prior to amalgamation day;
- (b) for new members of the Construction & General Divisional Branch an amount equivalent to the level of fees of members of ASCJBPPDAUEQ on the day prior to amalgamation day.

Provided always that the Respective Divisional Branch Executives of the Union shall be able to determine the scales of subscription fees in accordance with Divisional Branch Rules.

36.C24 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Management Committee shall consist of all former members of the State Management Committee of the ASCJBPP&D. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as was exercised on amalgamation day between the former ASCJB&P and the OPDU.

36.C25 Where a member of the Queensland Construction & General Divisional Branch Management Committee resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A17, excepting that it shall not be necessary to have representation from members whose eligibility is covered by State Rule 4.3. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.C24 of this Rule.

36.C26 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Executive shall consist of all former members of the State Executive of the ASCJBPP&D. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as was exercised on amalgamation day between the ASCJB&P and the OPDU.

36.C27 Where a member of the Queensland Construction & General Divisional Branch Executive resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A19, excepting that it shall not be necessary to have representation from members whose eligibility is covered by State Rule 4.3. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.C26 of this Rule.

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36.C28 The members of the QCEUE on the Joint State Executive of the FEDFA and the QCEUE in the industry of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Executive of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Executive until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Executive then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

36.C29 The members of the QCEUE on the Joint State Board of Management of the FEDFA and the QCEUE on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Board of Management of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Board of Management until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Board of Management then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.



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A1. NAME

The name of this Divisional Branch of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland shall be "The Queensland Construction and General Divisional Branch" (hereinafter in these Divisional Branch Rules referred to as the Divisional Branch).

A2. Office

A2.1 The Office of the Divisional Branch shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed.

A2. This Office shall be the place of meeting for the purposes of conducting the business of the Divisional Branch except where the Divisional Branch Management Committee directs otherwise.

A3. APPLICATION FOR MEMBERSHIP

A3.1 Application for membership of the Divisional Branch shall be in writing signed by the applicant on the form determined by the Divisional Branch Management Committee.

A3.2 All applications for membership shall be lodged together with the amount of Entrance Fee with the Divisional Branch Secretary or the Sub-Branch Secretary, or such other person authorised by the Divisional Branch Management Committee. Applications for membership shall be dealt with by the Sub-Branch Committee or the Divisional Branch Management Committee, who shall, if satisfied that the applicant qualifies in terms of the Divisional Branch Rules, admit the applicant to membership of the Divisional Branch as from the date of the receipt of the applicant's application form by the Sub-Branch Secretary, or other duly authorised person.

A3.3 A candidate for membership of the Divisional Branch shall be admitted if the candidate is a

person who:-

- (a) by the nature of the candidate's occupation or employment engages in a calling that is a registered calling of the Union that relates to the Construction & General Divisional Branch; and
- (b) has the qualifications required by the eligibility rules of the Union that relate to the Construction & General Divisional Branch; and
- (c) is not of general bad character.

A3.4 A new member shall pay on application for membership, or before the expiration of one month from the date the application is received by the Sub-Branch Secretary or authorised person, the required Entrance Fee, and six months contributions.

A3.5 Candidates for membership when admitted to membership shall enjoy all advantages of membership for as long as the person complies with the Rules of the Union.

A3 Applicants shall, if possible, attend the next meeting of the Sub-Branch to which the applicant makes application or to which they are assigned. Failure to attend shall not necessarily exempt the candidate from election to membership.

A3.7 Applicants for admission to the Union and members entering the Union on clearance, shall join the Sub-Branch nearest to which they reside.

A3.8 All members shall be supplied with a copy of the Divisional Branch Rules free of charge on request.

A3.9 All applicants for membership shall be informed 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 Divisional Branch.


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A4. ENTRANCE FEE

A4.1 The entrance fee shall be such sum, as the Divisional Branch Management Committee may decide, but not more than the equivalent of three (3) months dues contributions.

A5. CONTRIBUTIONS

A5.1 The payment of membership contributions shall be half-yearly and shall not exceed one and one half percentum (1 1/2%) of the National Building Construction Industry Award rate for a carpenter multiplied by twenty-six (26).

A5.2 The rate of contributions shall be determined by the State Executive on August 30th and February 28th of each year and shall apply for the following half-yearly period commencing 1st April and the 1st October respectively and shall be payable in advance.

A5.3 The sum of 25c of each half-yearly contribution or such amount as may be determined by the Divisional Branch Management Committee, shall be used to produce Divisional Branch

publications, including "Building Worker" and to distribute such publications to financial members of the Divisional Branch.

A5.4 Sub-Branch committees may grant exemption from contributions to members who have been unemployed for more than thirteen (13) weeks during any half year. Application for exemption must be made in writing to the Sub-Branch Secretary with proof of unemployment being submitted.

A5.5 All members over 65 years of age who have had 25 years' continuous membership in the Divisional Branch, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying one payment only, in advance, of \$5 or such amount as may be determined by the Divisional Branch Management Committee, for which they shall be entitled to receive the Divisional Branch Journal only, provided that this does not apply to members who are over 50 years of age when joining the Divisional Branch. Members wishing to be placed under this Rule shall make application to their Sub-Branch Secretary.

A5.6 An applicant joining the Divisional Branch during the currency of any half-year shall be credited in the subsequent half-year for such period of the half-year as had elapsed before the applicant joined. Such credit shall be calculated on a monthly basis.

A6. **FINANCIAL MEMBERSHIP**

A6.1 Any member who fails to pay all subscriptions, contributions, fines, levies, joining fees in accordance with the Rules of the Union and in accordance with the Rules of the Divisional Branch in advance on or before the half years ending 31 March and 30 September for the ensuing six months shall be deemed unfinancial.

A6.2 Notwithstanding the foregoing, any member, having made application to join and paid the joining fee, having commenced on a pay roll deduction scheme in excess of twenty-six (26) weeks, and who was subsequently financial on the last day of the previous term shall be deemed to be a financial member whilst such deductions are continued.

A7. **RESIGNATION OF MEMBERS**

7.1 A financial member may terminate membership of the Divisional Branch by written notice addressed and delivered to the Divisional Branch Secretary.

A7.2 Notification of such resignation shall be taken as duly given if:-

- (a) it is left at the registered Office of the Divisional Branch; or
- (b) it is addressed to the Divisional Branch, or any Officer thereof, and sent by post to the Office of the Divisional Branch.

A7.3 If a financial member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the Union and/or the Divisional Branch in accordance with the Divisional Branch Rules.

A7.4 Termination of membership by resignation does not affect the liability of the member or former member to pay such fees or levies as may have been owing at the date of resignation, and such

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moneys may be sued for and recovered in the name of the Union or the Divisional Branch.

A8. **TRANSFER OF MEMBERS**

The Divisional Branch Management Committee shall have the power, at the request of a member, to order the transfer of any member from any Sub-Branch to any other Sub-Branch in the Divisional Branch, when, in the opinion of the Divisional Branch Management Committee such transfer is necessary to enable the member concerned to participate properly in the affairs of the Divisional Branch.

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A9. **DUTIES OF MEMBERS**

A9.1 No member shall call on or write to any Sub-Branch Secretary at the works where he/she is employed.

A9.2 Members shall belong to the Sub-Branch that meets nearest to their place of residence.

A9.3 Members changing their residence shall inform the Sub-Branch Secretary in writing within three months of such change of address.

A9.4 A member, being aware of the death of any other member, shall notify the Divisional Branch Secretary of the Divisional Branch to which the deceased member belonged.

A10. **MISCONDUCT OF MEMBERS**

A10.1 Subject to Divisional Branch Rule A25, any member knowingly violating any registered Rule of the Union or the Divisional Branch may be fined a sum not exceeding \$4 by the Sub-Branch. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine the member an amount not exceeding \$10, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

A10.2 Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer of that meeting may be fined a sum not exceeding \$2 and should the member persist, the Presiding Officer of that meeting shall have power to call on the members to expel that member from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

A10.3 It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding \$10, suspend from benefit for a period not exceeding three years, or expel from the Divisional Branch a member upon satisfactory proof that such member has refused to comply with its decision.

A10.4 Charges under the Divisional Branch Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or Divisional Branch Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or Divisional Branch Executive, or Divisional Branch Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to the members last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 160 kilometres from Brisbane, not less than ten days before the date of such meeting.

A10.5 At the appointed time and place the charge shall be investigated either by the Sub-Branch or Divisional Branch Executive or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Divisional Branch Executive shall be binding on the member, subject to the right of appeal to the Divisional Branch Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Divisional Branch Rules for the conduct of the business of the Divisional Branch or Sub-Branch.

A10.6 A member may, if the member desires, make their answer to the charges in writing.

A10.7 Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the Divisional Branch Management Committee provided that the maximum fine that may be imposed shall not exceed \$10.

A10.8 Any member, members, or persons who by false representation or imposition, obtain possession of money, securities, books, papers or other effects of the Union or having same in their possession withhold or mis-apply them shall render themselves liable to be summonsed before a Court of summary jurisdiction.

A10.9 Any member or Officer who is fined for any offence under the Divisional Branch Rules shall pay the fine on or before the date of the meeting of their Sub-Branch immediately following the imposition of the fine. Should the fine not be paid it shall at once be added to the member's dues by the Sub-Branch Secretary, and shall be deducted from any money paid by the member as contributions or may be recovered by legal process.

A11. APPEALS OF MEMBERS AND SUB-BRANCHES AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

A11.1 Any member finding themselves aggrieved against the actions or decisions of the Officers or members of the Divisional Branch may, in the case of any grievance, appeal to their Sub-Branch for redress, and, if still aggrieved, they may further appeal to the Divisional Branch Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

A11.2 Neither a member appealing nor the Officer or the body appealed against shall furnish any other evidence to the Divisional Branch Management Committee than that heard in the original appeal. Such evidence shall be submitted in writing to the Sub-Branch before forwarding to the Divisional Branch Management Committee. The members of the Divisional Branch Management Committee shall give reasons when deciding appeals.

A11.3 The Divisional Branch Management Committee shall not consider any appeal for assistance pursuant to Rule A40 from any member whose total dues to the Union amount to twelve months' contributions or more.

A11.4 All provisions of this Rule shall apply also to next of kin claiming on account of deceased members.

A12. CONTROL AND SUSPENSION OF MEMBERS

A12.1 The Divisional Branch Management Committee shall exercise general control over the members and shall have, subject to the Union Rules and the Divisional Branch Rules, power to fine, expel

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or suspend from benefit any member found guilty of wilfully acting contrary to the policy of the Union or the Divisional Branch.

- A12.2 Where such fine, expulsion or suspension is imposed, the Divisional Branch Management Committee shall immediately notify the Sub-Branch to which the member belongs, of its decision.
- A12.3 A fine imposed under this Rule shall not exceed \$10, nor shall any suspension from benefit exceed a period of three years.

A13. **REGISTER OF MEMBERS & OFFICERS**

- A13.1 A register of members and all Officers of the Divisional Branch in the Divisional Branch shall be kept in the Divisional Branch Office.
- A13.2 A financial member of the Divisional Branch may at all reasonable times inspect the books, membership records, documents and other property of the Divisional Branch.

4. **RECOVERY OF ARREARS:**

- A14.1 If any member allows their arrears to amount to two half-years' contributions, due notice shall be sent to the members last known address, and the Divisional Branch Management Committee shall take the necessary steps for the recovery of such arrears by legal process.
- A14.2 The trustees of the Divisional Branch after being authorised by the Divisional Branch Management Committee shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of awards and recovery of accident compensation.
- A14.3 The Divisional Branch Management Committee may from time to time place the collection of arrears of contributions owing by members in the hands of a solicitor or agent for collection.

A15. **PROPERTY & FUNDS OF THE DIVISIONAL BRANCH**

- A15.1 For the purpose of carrying out all or any of the objects of the Union, there shall be a fund of the Divisional Branch and the Divisional Branch fund may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans or by any other funds, assets or real property that may be attributed to the Divisional Branch Fund for its use and benefit pursuant to the Rules of the Union.
- A15.2 Without limiting the generality of Divisional Branch Sub-rule A15.1 the Divisional Branch Fund shall consist of:-
- (a) any real or personal property of which the Divisional Branch by the Union Rules or by any established practice not inconsistent with the Union Rules, has, or holds for its use and benefit or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
 - (b) any entrance fees, subscriptions, fines, fees, or levies received by the Divisional Branch;
 - (c) any interest, rents, dividends or other income derived from the investment of the funds of the Divisional Branch;

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- (d) any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its Officers or employees;
- (e) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the Divisional 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.



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A16. BANKING AND EXPENDITURE OF FUNDS

A16.1 All moneys of the Divisional Branch in Queensland shall be banked by the Divisional Branch and Sub-Branch Officers in a registered banking institution or other such financial institution as the Divisional Branch Management Committee may decide, and which is consistent with the Rules of the Union.

A16.2 The name of any such banking account shall include the words "Construction, Forestry, Mining & Energy Union of Employees, Queensland, Queensland Construction & General Divisional Branch".

A16.3 All expenditure from the funds shall be in accordance with the Rules of the Divisional Branch and the Rules of the Union and no expenditure shall be permitted for any purpose contrary to the objects of the Union.

A17. DIVISIONAL BRANCH MANAGEMENT COMMITTEE

A17.1 The Divisional Branch Management Committee shall consist of twenty-one (21) members, including the Divisional Branch President, Divisional Branch Secretary, three (3) Divisional Branch Assistant Secretaries, one of each Assistant Secretary shall be elected from the classes of members as determined by the State Rules 4.1, 4.2 and 4.3.

A17.2 Of the remaining seventeen members (17), ten (10) shall be elected from the membership covered in Union Sub-rule 4.1, two (2) shall be elected from the membership covered in Union Sub-rule 4.2 and five (5) shall be elected from the membership covered in Union Sub-rule 4.3. All shall be elected in accordance with the Divisional Branch Rules. The Divisional Branch President shall be one of the seventeen members referred to in this Sub-rule.

A17.3 The Divisional Branch Management Committee shall elect from its members three (3) Divisional Branch Vice Presidents, one of each Divisional Branch Vice President shall be elected from the classes of members as set out in Divisional Branch Sub Rule A17.1 of this Rule.

A17.4 A full time official of the Union shall not be eligible to stand for the position of Divisional Branch President.

A17.5 Any eleven (11) members of the Divisional Branch Management Committee shall constitute a quorum.

A17.6 The Divisional Branch Management Committee shall meet not less than three times each year. Provided that a special meeting of the Divisional Branch Management Committee may be called on a written requisition addressed to the Divisional Branch Secretary signed by seven (7)

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members of the Divisional Branch Management Committee.

A18. **DIVISIONAL BRANCH MANAGEMENT COMMITTEE FINANCE**

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- A18.1 The Divisional Branch Management Committee shall have control of the funds of the Divisional Branch and, in addition to the provision of any other Union or Divisional Branch Rule, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions entrance fees and fines collected.
- A18.2 Each Sub-Branch shall retain in a Sub-Branch bank account a sum determined by the Divisional Branch Management Committee from which it shall pay all accounts covered by the Divisional Branch Rules and the Divisional Branch Management Committee shall annually in the month of December, or such other time as the Divisional Branch Committee may decide, reimburse this Sub-Branch account as required by the Sub-Branch to restore the account to the original sum.
- A18.3 The Divisional Branch Management Committee may disburse moneys for the purposes set out in the objects of the Union, and such funds may be invested from time to time in such manner as may be determined by the Divisional Branch Management Committee. The Divisional Branch Management Committee may delegate authority to the Divisional Branch Secretary to authorise payments (or in the absence of the Divisional Branch Secretary the Acting Divisional Branch Secretary). No donation exceeding \$200 shall be made without the approval of the Divisional Branch Executive Committee.
- A18.4 The financial year of the Divisional Branch shall be the 12 month period ending the 31st of December or such other period as the Divisional Branch Management Committee decide.

A19. **DIVISIONAL BRANCH EXECUTIVE**

- A19.1 The Divisional Branch Management Committee shall elect from its members an executive of eight (8) members including the Divisional Branch President, Divisional Branch Secretary and three (3) Divisional Branch Assistant Secretaries and three (3) Committee Members who are not full time officers. Of the four non-full time official members of the Executive, each constitutional group as set out in Union Sub-rules 4.1, 4.2 and 4.3 must be represented.
- A19.2 All accounts paid by the Divisional Branch shall be submitted to the Executive of the Divisional Branch Management Committee for ratification.

A20. **DUTIES OF THE DIVISIONAL BRANCH PRESIDENT**

- A20.1 The Divisional Branch President shall preside at all meetings of the Divisional Branch Management Committee, Divisional Branch Delegates or Special Conventions and at meetings convened by the Divisional Branch Convention or the Divisional Branch Management Committee. The Divisional Branch President shall have a deliberative vote only. A Divisional Branch Vice-President shall take the chair in the absence of the Divisional Branch President.
- A20.2 The Divisional Branch President shall carry out such duties as may be assigned to the Divisional Branch President from time to time by the Divisional Branch Management Committee and by the Divisional Branch Secretary acting on their behalf.
- A20.3 The Divisional Branch President shall conduct the business in accordance with the standing orders and Rules of debate provided for in these Divisional Branch Rules.

- A20.4 The Divisional Branch President shall, upon the minutes being confirmed sign the minute book in the presence of the meeting, and shall have the meeting by resolution, endorse or reject all payments submitted for ratification.

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A21. **DUTIES OF DIVISIONAL BRANCH SECRETARY**

- A21.1 The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and may be authorised by the Divisional Branch Management Committee to incur expenditure on behalf of the Divisional Branch. Provided that the Divisional Branch Management Committee may withdraw such authorisation at any time or for any period it sees fit.
- A21.2 The Divisional Branch Secretary shall be the Chief Executive Officer of the Divisional Branch and shall conduct and manage the affairs of the Divisional Branch, subject to the Divisional Branch Rules, between meetings of the Divisional Branch Executive.
- A21.3 All expenditure incurred by this authorisation shall be placed before the Divisional Branch Management Committee for consideration and ratification.
- A21.4 The Divisional Branch Secretary shall be the registered Divisional Branch Officer to issue suit or to defend suit in the registered name of the Union and on behalf of the Union in the State in regard to any legal matter over which the Divisional Branch Management Committee has jurisdiction unless the Divisional Branch Rules otherwise provide.
- A21.5 The Divisional Branch Secretary shall keep a correct record of the members in the Divisional Branch and shall, when instructed by the Divisional Branch Management Committee sue for the recovery of arrears of contributions or other monies due to the Divisional Branch by the members.
- A21.6 The Divisional Branch Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the Divisional Branch, and separate accounts of receipts from all Sub-Branches, and also correct records of all monies received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Industrial Relations Act 1990 and amendments thereof.
- A21.7 The Divisional Branch Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Divisional Branch Rule A21.10.
- A21.8 The Divisional Branch Secretary shall submit to each meeting of the Divisional Branch Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.
- A21.9 The Divisional Branch Secretary shall attend to Court and legal matters coming within the jurisdiction of the Divisional Branch Management Committee. Industrial matters and/or other hearings before any Industrial Commission, Tribunal, Board and/or Court or any other such body.
- A21.10 The Divisional Branch Secretary shall keep all books and documents necessary to a proper working of the Office and of the Divisional Branch Management Committee and shall prepare a yearly report and also a yearly balance sheet showing the income and expenditure for that term. Upon the same being audited and received by the Divisional Branch Management Committee

the Divisional Branch Management Committee shall publish same to the members and then lodge it with the Registrar.

A21.11 The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar all returns required by law, and shall notify the Industrial Commission in the prescribed manner of the existence or likelihood of industrial disputes.

A21.12 Should the Divisional Branch Secretary fail to carry out the Divisional Branch Secretary's duties to the satisfaction of the Divisional Branch Management Committee the Divisional Branch Secretary may be dealt with by such committee in the manner prescribed in Divisional Branch Rule A25.

A21.13 In the event of the Divisional Branch Secretary desiring to resign, the Divisional Branch Secretary shall give at least one month's notice or be fined ten dollars (\$10). Upon resigning or being removed from Office, according to Divisional Branch Rule A25, the Divisional Branch Secretary shall, within seven (7) days, deliver up to whatever person the Divisional Branch Management Committee may appoint, all books, documents and other property of the Divisional Branch then in the Divisional Branch Secretary's possession. Before the books are handed over to the Divisional Branch Secretary's successor in Office they shall be audited.

A21.14 The Divisional Branch Secretary shall direct, subject to these Rules and subject to the direction of the Divisional Branch Management Committee and or Divisional Branch Executive the day to day duties of all full time Officers and shall be able, to the extent permitted by the Divisional Branch Rules to delegate the Divisional Branch Secretary's functions.

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DUTIES OF ASSISTANT SECRETARIES

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A22.1 There shall be three (3) Assistant Divisional Branch Secretaries, one of each who shall come from the classes of membership described in Union Sub-rules 4.1, 4.2 and 4.3.

A22.2 The Assistant Divisional Branch Secretaries shall work under the direction of the Divisional Branch Management Committee and the Divisional Branch Secretary. They shall assist the Divisional Branch Secretary in the carrying out of the duties set out in Rule A21 and one shall act as the Acting Divisional Branch Secretary in the absence of the Divisional Branch Secretary as directed by the Divisional Branch Management Committee. Such Assistant Divisional Branch Secretary shall be subject to Divisional Branch Rules A21.13 and A25.

A22.3 An Assistant Divisional Branch Secretary shall act as the Secretary of the Brisbane Sub-Branch as determined by the Divisional Branch Management Committee.

TRUSTEES

A23.1 The Divisional Branch Management Committee shall elect from among their members five trustees, any two of whom may act with the Divisional Branch Secretary, or in the latter's absence, one of the Divisional Branch Assistant Secretaries.

A23.2 The Divisional Branch fund shall be vested in the names of the five trustees.

A23.3 The Divisional Branch fund shall be banked in the manner prescribed in the Divisional Rules.

A23.4 On a written authority, signed by the Divisional Branch President and the Divisional Branch Secretary, any two of the five Trustees shall sign cheques for such sums as may be voted by the

Divisional Branch Management Committee or the Divisional Branch Management Committee Executive, in accordance with the Divisional Branch Rules. Such cheques shall be countersigned by the Divisional Branch Secretary, or in the absence of the Divisional Branch Secretary one of the Divisional Branch Assistant Secretaries.

A23.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

A24. ORGANISERS

A24.1 The Divisional Branch Management Committee shall not less than two months prior to the closing of nominations as prescribed in Divisional Branch Rule A27, determine the number of organisers to be elected. They shall also determine the area of the Divisional Branch in which organisers shall reside and operate, and may if income is sufficient appoint additional organisers.

A24.2 The organisers shall be under the control of the Divisional Branch Management Committee and shall when required, attend meetings of the Divisional Branch Management Committee. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the Divisional Branch and other workers eligible to join are employed and endeavour to enrol new members. They shall cooperate with all shop and job stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the Divisional Branch as directed by the Divisional Branch Management Committee.

A24.3 Divisional Branch organisers may be elected and remain in Office for a period of four years, provided that if the income is insufficient to meet the half-yearly expenditure, their services may be dispensed with at the discretion of the Divisional Branch Management Committee.

A24.4 The Divisional Branch Management Committee may appoint temporary organisers for a period not exceeding six (6) months, the duties of organisers to be determined by the Divisional Branch Management Committee.

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A25. REMOVAL OF OFFICERS

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A25.1 Any Officer of the Divisional Branch being charged, in accordance with the Rules of the Divisional Branch with mis-appropriation of funds of the Divisional Branch or a substantial breach of the Rules of the Union or the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to the Rules of the Divisional Branch, to be eligible to hold Office, may be suspended immediately by decision of the Divisional Branch Management Committee.

A25.2 Any Officer so charged shall have the right of appeal to the membership against such suspension, provided that any such appeal must be lodged with the Secretary of the Sub-Branch to which the member belongs within fourteen days.

A25.3 Within two (2) months of the receipt of such an appeal the ballot shall have been conducted, in which there shall be sent to all members entitled to vote a statement not exceeding 600 words by the person proposing removal, and a statement not exceeding 600 words by the Officer proposed to be removed. The decision of any such ballot shall be final.

A25.4 Should the Officer be found guilty and there be no appeal within the prescribed time, and/or the Officer's appeal be rejected, the Divisional Branch Management Committee shall have power to dismiss the Officer concerned; and, in the event of any Officer being removed from Office,

an election must be held within one month of such removal from Office in accordance with Divisional Branch Rule A27.

A26. SALARIES OF OFFICERS

The Divisional Branch Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Officials, Organisers, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committees, Returning Officers and Deputy Returning Officers, and Scrutineers, and notify Sub-Branches of same.

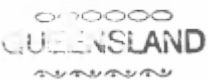
A27. ELECTION OF DIVISIONAL BRANCH SECRETARY, ASSISTANT DIVISIONAL BRANCH SECRETARY, DIVISIONAL BRANCH MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

A27.1 Any member of the Divisional Branch who is financial as provided for in the Divisional Branch Rules at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in Sub-rule 27.3 of this Rule may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry of the Division and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

A27.2 No member shall be a candidate for two or more Offices that, if elected, the member would be unable to hold at the same time.

A27.3 The scale of financial membership of the Divisional Branch necessary for members to be qualified to nominate for the following positions, is as under:-

Divisional Branch Secretary	)	Three years	 INDUSTRIAL REGISTRAR
Assistant Divisional Branch Secretaries	)	financial membership	
Divisional Branch Executive Members	)	One years	28 FEB 1995  QUEENSLAND
District Secretary/Organiser	)	financial	
Divisional Branch Organisers	)	membership	
Divisional Branch Committee Members	)	Financial membership	

A27.4 The term of Office for the above positions shall be four years.

A27.5 Nominations for the above positions shall be called by the Returning Officer by notification in the Union journal or in one daily newspaper circulating in the capital city and in each Sub-Branch area on or before the last day of August in the year of election.

A27.6 All Sub-Branches shall be notified by circular of the opening and closing date of nominations.

A27.7 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post to the Returning Officer or handed personally at the Divisional Branch Office and a receipt thereupon obtained.

- A27.8 Nominations shall be closed at 4 p.m. on the last Friday of September in the year of election. Nominations must be received by the Returning Officer by that time on that date to be eligible.
- A27.9 Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement.
- A27.10 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give that person the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.
- A27.11 If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Executive and candidates by submitting a Returning Officer's report to the Divisional Branch Secretary.
- A27.12 If all nominations are received and there are more nominations than there are vacancies. The election of those offices shall be conducted by way of secret postal ballot. The Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or the candidates nominee to attend the draw. Such attendance shall be at the candidate's own costs and expense.
- A27.13 The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the Returning Officer to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.
- A27.14 Such ballot papers shall have printed thereon only the title of the Office to be filled, method of voting and the name of the candidates for such Office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.
- A27.15 Where a ballot is required, the Divisional Branch Secretary shall provide, within twenty-eight (28) days of the closing of nominations, a certified list of financial members entitled to vote subject to the Divisional Branch Rules to the Returning Officer.
- A27.16 The Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope addressed to such member at the members address appearing on the list of members eligible to vote supplied to the Returning Officer by the Divisional Branch Secretary, and that envelope shall contain only the following documents:
- a ballot paper initialled by the Returning Officer in respect of each Office to be filled at the election for which the member is eligible to vote;
 - an empty unsealed pre-paid post envelope addressed to the Returning Officer, C/- the numbered mail box referred to in this Rule;
 - such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Returning Officer may

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consider necessary;

- (d) the candidates statement provided for and in accordance with the Divisional Branch Rules.

- A27.17 For the purposes of the election, the books of the Divisional Branch shall be deemed to have closed as of the 31st August in the year of election.
- A27.18 Only members who are shown in the records at the Office of the Divisional Branch as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August proceeding the election shall be entitled a vote.
- A27.19 Providing that any member who at any time prior to the closing of the ballot, satisfies the Returning Officer that the member has paid all contributions, levies and fines prior to the 31st day of August in the year of election, shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with the Divisional Branch Rules.
- A27.20 The opening date of the ballot shall be on the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held.
- A27.21 All ballot papers shall be returned to the Returning Officer, c/-the post Office box named on the reply envelope. The post Office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers, or if a box has been previously used by the Divisional Branch, the Returning Officer shall cause the lock to be changed.
- A27.22 The Returning Officer shall collect the returned ballot papers from the post Office box and deposit them in a ballot box kept at the post Office until the commencement of the count of the ballot.
- A27.23 At the conclusion of the ballot the ballot box shall be collected by the Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the Divisional Branch rooms and be opened in the presence of the scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.
- A27.24 Any candidate at the candidates own expense, may appoint a financial member of the Divisional Branch to act as scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.
- A27.25 The Returning Officer shall proceed to count the ballot on the preferential system provided for in this Rule, and the candidate or candidates receiving the necessary quota shall be declared elected.
- A27.26 The counting of the ballot shall be completed not later than the 1st day of December following the ballot.
- A27.27 In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by lot which of the candidates is elected.
- A27.28 The Returning Officer shall declare the successful candidates elected and notify the Divisional

Branch Executive of the result of the ballot and the Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the Divisional Branch journal. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

- A27.29 The Returning Officer's report to the Divisional Branch Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each Office and their proposers.
- A27.30 The successful candidates shall remain elected until their successors take up Office.
- A27.31 Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.
- A27.32 In any election the Returning Officer and any scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.
- A27.33 Should a casual vacancy occur in any of the abovementioned Offices, the Divisional Branch Management Committee may fill the position within one month if the term remaining is not more than twelve (12) months. Where a ballot is required, the Divisional Branch Executive may conduct a secret postal ballot of Divisional Branch Management Committee members.
- A27.34 If the term remaining is more than twelve (12) months and the State Executive desires to fill the vacancy, an election shall be held according to the provisions of this Rule with any necessary modification.
- A27.35 "Preferential Voting" for the purposes of this Rule shall mean a system of voting in which the voter shall place a number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference, and shall place the number 2, 3, 4 (and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he/she shall be declared elected.
- A27.36 If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes he/she shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.



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A28. ELECTIONS FROM MANAGEMENT COMMITTEE

- A28.1 In any election from the Divisional Branch Management Committee the procedures set out in this Rule shall be observed.
- A28.2 If all Divisional Branch Management Committee members are in attendance at the Divisional Branch Management Committee meeting at which the election is to be held, viz. in the case of the Divisional Branch Vice-Presidents and the Divisional Branch Trustees during the month of July following the quadrennial elections, and in the case of other positions as may be determined by the Divisional Branch Management Committee, nominations shall be called and a ballot shall be held.
- A28.3 A member of the Divisional Branch Management Committee unable to attend the meeting of the Divisional Branch Management Committee at which an election was to have been held and who desires to nominate himself or some other qualified person for a position may do so by written notification to the Divisional Branch President. Such notification shall be sent to the Divisional Branch President not later than the time fixed for the commencement of the meeting.
- A28.4 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a reasonable period.
- A28.5 The Returning Officer shall obtain sufficient ballot papers and envelopes for the election. The Returning Officer shall have a booth arranged so constructed as to enable the voter to mark the voters ballot paper without the names for which such delegate voted being seen.
- A28.6 The Returning Officer shall initial all ballot papers which shall not bear any other distinguishing mark. The Returning Officer shall provide for the voters identical means of marking the ballot papers. The Returning Officer shall issue to each voter a ballot paper and an envelope. The voter, after marking the ballot paper, shall place same in the ballot box provided by the Returning Officer for such purpose. Such ballot box may be inspected and/or sealed by any members of the Divisional Branch Management Committee or candidate.
- A28.7 Voting shall close one hour after the commencement of the meeting or at such times as all Divisional Branch Management Committee members have voted.
- A28.8 The Returning Officer shall thereupon open the ballot box and in the presence of the Divisional Branch Management Committee members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.
- A28.9 In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by lot which of the candidates is elected.
- A28.10 The Returning Officer shall notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall publish same in the Divisional Branch Management Committee minutes.
- A28.11 Should a vacancy occur in any of the above positions, the Divisional Branch Management Committee may fill the position within one month; but if the term remaining is more than twelve (12) months, and the Divisional Branch Management Committee desires to fill the position, an

election shall be held to fill the vacancy. In any such election, the provisions of this Rule shall apply with any necessary modifications.

A28.12 Where the Divisional Branch Executive decides not to convene a meeting for the purposes of filling a casual vacancy, a secret postal ballot of all members of the Divisional Branch Management Committee shall be held.

A28.13 In such election the Returning Officer shall immediately post to each Divisional Branch Management Committee member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office box marked on the envelope.

A28.14 On the morning of the eighth day following the dispatch of the ballot papers by the Returning Officer, the Returning Officer and the scrutineers appointed by the Divisional Branch Management Committee shall collect the ballot papers from the Post Office box and then proceed to the Union Office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

A28.15 The Returning Officer shall notify the Divisional Branch Management Committee of the result of the ballot and the Divisional Branch Management Committee shall publish same in the Divisional Branch Management Committee minutes.

A28.16 The Divisional Branch Management Committee shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the Divisional Branch to act as scrutineer on the candidates behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

A28.17 Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

A28.18 In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot, and the Returning Officer shall take all practicable steps to avoid irregularity from occurring in the conduct of the ballot.

A28.19 Scrutineers shall, as far as practicable, be present at all stages of the ballot.

A28.20 They shall obey any directions given to them by the Returning Officer.

A28.21 If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

A29. RETURNING OFFICER AND SCRUTINEERS

A29.1 The Divisional Branch Management Committee shall appoint a Returning Officer and two scrutineers who shall not hold any Office in, and not be an employee of, the Union, the Divisional Branch or a Sub-Branch, to conduct all required ballots, including the quadrennial ballot. The Divisional Branch Management Committee shall appoint only after applications for the position have been called through all Sub-Branches of the Divisional Branch. The appointment shall be made by a majority vote of members of the Divisional Branch Management Committee at its last meeting prior to the quadrennial ballot.

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industrial interests warrant the formation or disbandment of a Sub-Branch.

A33.2 For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the Divisional Branch Management Committee. Each Sub-Branch shall have power to elect its own Officers and with the consent of the Divisional Branch Management Committee generally control its own business in accordance with the Rules of the Union and the Divisional Branch.

A33.3 In no case shall any Sub-Branch close or disband without the authority of the Divisional Branch Management Committee in which case all funds or other assets and property shall be handed over to the Divisional Branch Management Committee.

A33.4 Visiting Members

Members of any Sub-Branch may visit any other Sub-Branch on production of their membership card and with the permission of the Sub-Branch may speak on any question before the Sub-Branch but shall not be entitled to vote on any question.

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A33.5 Clearances

Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until the members clearance has been accepted by such Sub-Branch.

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A33.6 Transfers

Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of Divisional Branch Rule A8 and all arrears of contributions shown on the clearance card sent from a Sub-Branch to another Sub-Branch shall be collected and retained by the Sub-Branch to which the members have been transferred.

A33.7 Sub-Branches Premises

Each Sub-Branch may obtain a room and a safe and/or steel cabinet and Office equipment for the safe keeping of Divisional Branch property provided the Divisional Branch Management Committee is advised of the cost of such facilities and has approved whatever payment is necessary to secure such facilities.

A33.8 Interpretation of Rules

Should any Rules of the Divisional Branch require interpretation, or be not clearly defined, they shall be sent to the Divisional Branch Management Committee for their decision. All such decisions shall be inserted in the minute book of the Sub-Branch.

A33.9 Resolutions to Divisional Branch Management Committee

Resolutions to the Divisional Branch Management Committee shall be submitted in writing to the Sub-Branch President, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the Divisional Branch Management Committee.

A33.10 Correspondence Confidential

All communications or copies of correspondence from the Divisional Branch Management

Committee shall remain the property of the Divisional Branch and information relating to such communications or correspondence shall not be divulged to any outside body or bodies without first obtaining the sanction of the Divisional Branch Management Committee.

A33.11 Sub-Branches allowed

In all cities and towns there shall be only one Sub-Branch and no other Sub-Branch shall operate within a radius of eight kilometres of the meeting place of such Sub-Branch except with the consent of the Divisional Branch Management Committee.

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A33.12 Sub-Branch Officers

Sub-Branches shall elect the Sub-Branch Committee. The Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee members, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a money steward and door keeper. The Sub-Branch Secretary may appoint sick stewards as they are required.

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A33.13 Neglect of Duties

Any member neglecting the duties for which the members is elected shall, unless a satisfactory apology is furnished, be fined by their Sub-Branch or the Divisional Branch Management Committee any amount not exceeding ten dollars (\$10).

A33.14 Meetings: When Held

Sub-Branches of the Union shall meet at least bi-monthly to transact business and the time of opening and closing the Sub-Branch meeting shall be at the discretion of each Sub-Branch.

A33.15 Audit

The books of each Sub-Branch shall be sent each half-year to the Divisional Branch Office for audit in accordance with Divisional Branch Rule A38 in a manner similar to audit of Divisional Branch finances.

A33.16 Levies

Sub-Branches shall have power to strike a levy of not more than \$4 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding \$4 per annum on a member.

A33.17 Failing to Attend a Summoned Meeting

Any member residing within a five kilometre radius of the meeting place of the Sub-Branch who fails to attend a summoned meeting may be fined a sum not exceeding \$10.00 unless a satisfactory excuse is tendered.

A33.18 Special Meetings

The Sub-Branch President and Secretary, on a requisition signed by ten per centum of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall

be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

A33.19 By Laws

Sub-Branch by-laws may be registered under the "Queensland Industrial Relations Act 1990" as amended. The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Industrial Registrar.

A33.20 Sub-Branch President

The Sub-Branch President shall preside at all meetings of the Sub-Branch and Sub-Branch committee, and shall conduct business according to the Rules laid down for the Sub-Branch President's guidance. If the Sub-Branch President is not present at the time of opening the meeting then the Sub-Branch Vice-President shall take the chair. Should the Sub-Branch Vice-President be absent, the members shall elect a chairman pro tem who shall exercise, for the purposes of the meeting its powers of the Sub-Branch President. The Sub-Branch President shall not enter debate on any question, but shall endeavour to bring the business to a speedy and successful issue. The Sub-Branch President shall have a deliberative vote only.

A33.21 Bank Book: Countersign Orders for PAYMENTS; Branch Resolutions

The Sub-Branch President shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. The Sub-Branch President shall examine the Sub-Branch bank book each night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the minute book. The Sub-Branch President shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the Divisional Branch Management Committee when requested to do so by the Divisional Branch Secretary due to the Divisional Branch Management Committee under the Divisional Branch Rules. The Sub-Branch President shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of Divisional Branch Rules or resolutions intended for the Divisional Branch Management Committee and the numbers present when the vote is taken.

A33.22 Sub-Branch Secretary

- (a) The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or committee. The Sub-Branch Secretary shall conduct all correspondence and take the minutes of committee meetings. The Sub-Branch Secretary shall be responsible for the collecting of contributions, fines, and other money due to the Divisional Branch by members of the Sub-Branch Secretary's Sub-Branch.
- (b) The Sub-Branch Secretary shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. The Sub-Branch Secretary shall register carefully the name, age and residence of every member, and shall within one month, forward to the Divisional Branch Secretary correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. The Sub-Branch Secretary shall also notify the Divisional Branch Secretary of all resignations and deaths.

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- (c) The Sub-Branch Secretary shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the Divisional Branch Management Committee within seven days after the half-yearly meeting. The Sub-Branch Secretary shall close the Sub-Branch's books at the end of January and July each year. Contributions for the next half year shall be due and payable at the end of March and September each year. The Sub-Branch Secretary shall give every facility to the auditors to examine all books and papers in connection with the Sub-Branch. The Sub-Branch Secretary shall read out to the Sub-Branch meeting a cash account. The Sub-Branch Secretary shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which the Sub-Branch Secretary is personally or financially interested.
- (d) The Sub-Branch Secretary shall supply all necessary advice to the Divisional Branch Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year. The Divisional Branch Secretary shall forthwith notify all Sub-Branch members thereof. The Sub-Branch Secretary shall supply all details to the Divisional Branch Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. The Sub-Branch Secretary shall perform all clerical and other duties appertaining to the position of the Secretary.
- (e) All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by the Divisional Branches for conduct of the business of the Sub-Branch.

A33.23 Suspended Members

Members who owe one year's arrears of contributions shall be suspended. The Divisional Branch Secretary shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the Sub-Branch.

A33.24 Clearances and Transfers

- (a) The Sub-Branch Secretary shall accept all clearances (that are permitted) from other Unions, also transfers from other divisions, divisional branch, Sub-Branches or other States, and shall issue transfers for any members applying for same. The Sub-Branch Secretary shall also transfer all members who do not comply with Divisional Branch Rule A36 to the Sub-Branches nearest to which they reside.
- (b) Sub-Branch Secretaries obtaining the transfers of members from other States or other Unions shall immediately fill in a duplicate card and forward same to the Divisional Branch Office.

A33.25 PAY BENEFITS

The Sub-Branch Secretary shall pay all benefits according to Divisional Branch Rule A26 and may be made to refund all expenditure that is made contrary to the provisions of the Divisional Branch Rules.

A33.26 RESIGNATION OR REMOVAL

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- (a) In the event of resigning the Sub-Branch Secretary shall give one month's notice, or be fined \$1, except in the case of illness or removal from the town.
- (b) On the Sub-Branch Secretary's resignation or being removed from Office, or on demand of the Divisional Branch Management Committee, or whomsoever they may authorise, the Sub-Branch Secretary shall, within seven days, deliver up, books, documents and property of the said Sub-Branch to the Divisional Branch Management Committee or Trustee. Before the books are handed over to the Sub-Branch Secretary successor in Office they shall be audited.
- (c) Should the Sub-Branch Secretary fail to carry out any of the Sub-Branch Secretary duties to the satisfaction of the Sub-Branch, the Sub-Branch shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of Sub-rule 33.13 of this Rule.

A33.27 Vice-President

The Sub-Branch Vice-President shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

A33.28 Doorkeeper

The doorkeeper shall attend at the opening time of each Sub-Branch meeting, and shall assist the Sub-Branch President in maintaining order by keeping the door closed whilst any member is addressing the meeting; and shall not admit any disorderly member into the room; neither shall the Doorkeeper admit anyone who is not a member or who is not a candidate.

A33.29 Sub-Branch Finances

- (a) The funds of each Sub-Branch shall be banked as provided in the Divisional Branch Rules.
- (b) On a written authority signed by the Sub-Branch President and Sub-Branch Secretary any two members of the Sub-Branch Committee shall sign cheques for payment of accounts for expenditure, in conformity with the Divisional Branch Rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

A33.30 Sub-Branch Committee:

In every Sub-Branch there shall be a committee elected in accordance with Divisional Branch Sub-rule A33.12 which shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a deliberative vote only. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the Divisional Branch or the Union the Sub-Branch committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the Divisional Branch Management Committee and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an Officer of the Sub-Branch. Any member of a Sub-Branch committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated the members seat, and

the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

A33.31 Sick Stewards

Sick stewards shall, when instructed by the Sub-Branch Secretary visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

A33.32 Sub-Branch Returning Officer and Scrutineers:

- (a) The Sub-Branch Committee shall appoint a Sub-Branch Returning Officer and two scrutineers who shall not hold any Office in, and not be an employee of, the Union, Divisional Branch section or the Sub-Branch of the organisation to conduct all required ballots. The appointment shall be made by a majority vote of Sub-Branch Committee members at the first meeting of the Committee immediately following the yearly Sub-Branch elections.
- (b) Provided that should any vacancy occur in these positions the Sub-Branch Committee shall be empowered to fill such vacancy.

A33.33 Money Stewards

The money stewards shall attend the half-yearly Sub-Branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

A33.34 Election of Sub-Branch Officers

- (a) The election for Sub-Branch Officers shall be held in March of each year of the Divisional Branch Management Committee elections and be under the control of the Sub-Branch Returning Officer assisted by the Scrutineers.
- (b) The Sub-Branch Returning Officer shall call nominations for all Sub-Branch positions by notification in a newspaper circulating in the Sub-Branch area at least thirty-five (35) days prior to the March Sub-Branch meeting.
- (c) Nominations shall be in writing and be signed by two financial members. The person nominating must be a member of the Sub-Branch and financial no later than fourteen (14) days prior to nominations being called.
- (d) No member shall be a candidate for two or more Offices that, if elected to, shall be unable to hold at the one time.
- (e) Nominations shall close twenty-one (21) days prior to the March Sub-Branch meeting.
- (f) Should only sufficient nominations have been received by the Sub-Branch Returning Officer for the positions, as advertised, the Sub-Branch Returning Officer shall declare the person or persons so nominated as elected and supply forthwith a declaration of the ballot to the Sub-Branch Secretary, a copy of which shall be forwarded to the Divisional Branch Secretary.
- (g) Should there be more valid nominations than the number required to fill the vacancies



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the Sub-Branch Returning Officer shall conduct a ballot which shall be held at the March yearly meeting.

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- (h) Fourteen (14) days prior to such ballot taking place the Sub-Branch Returning Officer shall publish in a newspaper circulating in the Sub-Branch area a list of positions vacant, the names of persons nominating for each position/positions, the date and time of the ballot, and notifying all financial members they are eligible to vote either in person at the meeting or by application to the Sub-Branch Returning Officer for an absentee vote.
- (i) The Sub-Branch Returning Officer shall procure sufficient ballot papers to enable each member to vote should they so desire. For such purpose the Sub-Branch Secretary shall provide the Sub-Branch Returning Officer with a list of financial members eligible to vote. Each such ballot paper issued shall be signed by the Sub-Branch Returning Officer.
- (j) The Sub-Branch Returning Officer, upon receipt of an application for an absentee vote, shall forward to the applicant in a sealed envelope a signed ballot paper and a stamped envelope addressed to the Sub-Branch Returning Officer.
- (k) All completed ballot papers must be in the hands of the Sub-Branch Returning Officer by 9 p.m. on the night of the March yearly meeting when the ballot shall close.
- (l) The absentee vote envelopes shall then be opened and those votes, together with the votes cast at the meeting, be counted under the supervision of the Sub-Branch Returning Officer and Scrutineers and the result declared immediately.
- (m) The person or persons obtaining the highest number of votes shall be declared elected.
- (n) The Sub-Branch Returning Officer shall submit a report to the Sub-Branch Secretary. A copy of same to be forwarded to the Divisional Branch Secretary, showing the number of ballot papers printed, the absentee vote applications, the number used and the names of the candidates with the vote of each recorded.
- (o) The ballot papers used and unused and the absentee vote applications shall be held for a period of twelve (12) months before being destroyed.
- (p) The Sub-Branch committee shall be empowered to fill, by appointment, any vacancy or vacancies occurring in the period of twelve (12) months following the ballot for positions.

A33.35

Control of Sub-Branch's by Members of Sub-Branch

- (a) The Sub-Branch Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Sub-Branch direct the conduct of a plebiscite of the financial members of the Sub-Branch on a matter concerning the Sub-Branch.
- (b) The Sub-Branch Committee may direct the conduct of the plebiscite of the financial members of the Sub-Branch on a matter concerning the Sub-Branch.
- (c) A plebiscite shall be conducted by secret ballot by a Sub-Branch Returning Officer in accordance with Divisional Branch Sub-rule A33.35 and shall be completed, in the case of a plebiscite under paragraph (a) within 2 months of the receipt by the Sub-Branch Secretary of the request and in the case of a direction under paragraph (b) within 2

months of the direction.

- (d) Where a request has been received under paragraph (a) or a direction given under paragraph (b), the Sub-Branch Committee shall not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
- (e) Where a majority of financial members of the Sub-Branch voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the Sub-Branch Committee shall, so far as is practicable, implement the decision of the plebiscite.
- (f) Where a request is received under paragraph (a) of Divisional Branch Sub-rule A33.35 or a direction given under paragraph (b) of Divisional Branch Sub-rule A33.35, the Sub-Branch Secretary shall advise the Returning Officer and the Returning Officer shall direct the conduct of the plebiscite and shall take all necessary steps to ensure the secrecy of the ballot.
- (g) The Sub-Branch Returning Officer shall determine the opening and closing dates of the ballot.
- (h) The Sub-Branch Committee or the and (where the plebiscite is held following a request pursuant to paragraph (b) of Divisional Branch Sub-rule A33.35), the members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and shall, before the opening of the ballot, advise the Sub-Branch Returning Officer of the name of each such scrutineer.
- (i) The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Sub-Branch, a ballot paper initialled by the Returning Officer together with a reply paid return envelope addressed to the Returning Officer at his address for the purpose of the conduct of the plebiscite. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary.
- (j) Subject to paragraph (f) a scrutineer appointed under paragraph (c) may be present during the conduct of the ballot by the Sub-Branch Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
- (k) A scrutineer shall observe a direction given by the Sub-Branch Returning Officer during the conduct of the ballot and shall comply with any decision given by the Sub-Branch Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.
- (l) A voter shall cast a vote in a ballot under this Rule by completing the ballot paper forwarded to the voter under paragraph (d) in accordance with the directions to voters (if any) and forwarding the ballot paper to the Sub-Branch Returning Officer so as to reach the Sub-Branch Returning Officer no later than the closing date of the ballot.
- (m) A vote cast in the ballot shall be informal if the intention of the voter is not clear.
- (n) On completion of the counting of ballot papers returned in a plebiscite the Sub-Branch Returning Officer shall declare the result of the plebiscite by advising the Sub-Branch

Secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

- (o) Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

A34. **AGGREGATE MEETINGS:**

Whenever it may be deemed necessary by the Divisional Branch Management Committee, or on the urgent representation of a majority of the Sub-Branches to the Divisional Management Committee, aggregate meetings shall be called by advertisement to decide such questions as the Divisional Branch Management Committee may decide or the Sub-Branches may require to be decided.

A35. **DELEGATION APPROVAL**

No Sub-Branch shall have the power to delegate any member on Divisional Branch business for any period above one week in any half-year without first obtaining the approval of the Divisional Branch Executive. Any infringement of this Rule by any member or Sub-Branch shall be deemed misconduct, and members or Sub-Branches infringing this Rule may be fined by the Divisional Branch Management Committee any sum not exceeding \$20. This Rule shall not affect the Divisional Branch Rule allowing 10 percent of the Sub-Branch income to be used for local organising.

A36. **SHOP STEWARDS**

- A36.1 For the convenience of members, shop or job stewards may be appointed by Sub-Branches within the area under their control.

- A36.2 Should any shop or job steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties for the Divisional Branch, the Divisional Branch Management Committee shall take all necessary steps to see that the member is compensated for any loss the Shop or Job Steward may incur.

A37. **APPRENTICES**

- A37.1 An apprentice making application to join the Divisional Branch shall pay dues for the remaining period of their indenture at the rate equivalent to the joining fee for the Divisional Branch per half-year. No additional joining fee shall be payable by apprentices.

- A37.2 Thereafter, upon completion of apprenticeship the apprentice shall transfer to full membership and payment of full Divisional Branch dues, levies, etc. as determined from time to time by the Divisional Branch Management Committee.

A38. **AUDIT OF ACCOUNTS**

- A38.1 The Divisional Branch Auditor who shall hold the qualification required for a competent person under the Regulations made under the Act hereinafter mentioned shall be appointed by the Divisional Branch Executive in accordance with the provisions of the Industrial Relations Act 1990 and shall be paid such fees as the Divisional Branch Executive may from time to time determine.

- A38.2 The Divisional Branch Auditor shall audit the books and financial statements of the Divisional Branch Executive at the end of each financial year and at such other times as the Branch Executive shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Divisional Branch Executive and may examine any Officer of the same in regard to the accounts, and is hereby authorised to obtain from any bank in which the Divisional Branch funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.
- A38.3 The Divisional Branch Auditor shall furnish a written statement that all accounts and statements certified to are in accordance with law and the Rules of the Union or the Divisional Branch, or, if unable to certify to the correctness of any of them, report forthwith to the Divisional Branch Executive in which respect they are incorrect.
- A38.4 The Divisional Branch Auditor shall have power to place before the Divisional Branch Executive any suggestions concerning the financial affairs of the Divisional Branch.
- A38.5 In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the Divisional Branch Executive or the Divisional Branch shall appoint an Auditor qualified as aforesaid as a replacement.
- A38.6 The accounts of Sub-Branches shall be audited half-yearly in the manner provided in Divisional Branch Sub-rule A33.15.
- A38.7 The financial year of the Divisional Branch shall be the period ending 31st of December.

A39. **SPECIAL AUDITORS**

The Divisional Branch Management Committee may at any time appoint two auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the Divisional Branch Office for audit.

A40. **DONATIONS/LOANS**

- A40.1 The Divisional Branch Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of these Divisional Branch Rules.
- A40.2 Payments may be made for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the Divisional Branch Management Committee. It may be used for such payments assisting the Divisional Branches trade or any other trade.
- A40.3 All applications for donations to members shall be on a schedule provided by the Divisional Branch and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the Divisional Branch Management Committee.
- A40.4 Requests for donations for purposes other than the relief of members shall be forwarded to the Divisional Branch Management Committee and shall contain full particulars of the purpose of the proposed donation.
- A40.5 No member who has been less than three (3) months in the Divisional Branch shall be eligible for assistance, and in no case shall payment of benefit be made to a member who is otherwise dis-entitled.

A40.6 Notwithstanding anything contained elsewhere in these Divisional Branch Rules a loan, grant or donation of any amount exceeding \$1,000.00 shall not be made by the Divisional Branch, unless the Divisional Branch Executive has satisfied itself:-

- (a) that the making of the loan, grant or donation would be in accordance with the other Divisional Branch Rules and Rules of the Union; 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 has approved the making of the loan, grant or donation.

A41. INTERPRETATION OF DIVISIONAL BRANCH RULES

The Divisional Branch Management Committee shall interpret all Rules of the Divisional Branch requiring interpretation.

A42. AFFILIATION:

The Divisional Branch Management Committee shall have the power to affiliate with any industrial, educational or political organisations within the State provided such affiliation is sanctioned by a majority of the members of the Divisional Branch voting. Such affiliation shall not interfere with the personal rights of the member's political code.

A43. DISPUTES WITH MANAGEMENT

In the event of a dispute arising, no official of the Divisional Branch shall interview the management with whom the Divisional Branch is in dispute unless accompanied by at least one member actively concerned in the dispute.

A44. ALTERATION OF DIVISIONAL BRANCH RULES

A44.1 These Rules may be altered or deleted or additions made thereto by a majority of members of the Divisional Branch Management Committee provided that at least 28 days notice to alter Divisional Branch Rules has been given by the Divisional Branch Management Executive to the Divisional Branch Management Committee.

A44.2 Provided that the Divisional Branch Management Committee may alter Divisional Branch Rules of which previous notice has not been given subject to two-thirds of Divisional Branch Management Committee members voting in favour of the alterations.

A44.3 Provided further that alterations to Divisional Branch Rules of an urgent nature may be made by a postal ballot, facsimile ballot or telephone Linkup of the State Management committee members to determine for or against the adoption of the alterations.

A45. DISSOLUTION

Whenever the number of members in this Divisional Branch is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at a meeting assembled at the Registered Office, finally dissolve the Divisional Branch subject to discharging all debts and liabilities legally incurred in the Divisional Branch's name and shall pay any balance to the

Construction, Forestry, Mining and Energy Union.

A46. BALLOTS/PLEBISCITES - CONTROL OF BRANCH COUNCIL AND BRANCH EXECUTIVE BY MEMBER OF THE BRANCH

- A46.1
- (a) The Divisional Branch Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Divisional Branch direct the conduct of a plebiscite of the financial members of the Divisional Branch on a matter concerning the Divisional Branch.
 - (b) The Divisional Branch Management Committee or Divisional Branch Executive may direct the conduct of the plebiscite of the financial members of the Divisional Branch on a matter concerning the Divisional Branch. 28 FEB 1995
 - (c) A plebiscite shall be conducted by secret ballot by a Returning Officer in accordance with Divisional Branch Sub-rule A46.2 and shall be completed, in the case of a plebiscite under paragraph (a) within 2 months of the receipt by the Branch Secretary of the request and in the case of a direction under paragraph (b) within 2 months of the direction.
 - (d) Where a request has been received under paragraph (a) or a direction given under paragraph (b), the Divisional Branch Management Committee or Divisional Branch Executive shall not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
 - (e) Where a majority of financial members of the Divisional Branch voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the Divisional Branch Management Committee or Divisional Branch Executive shall, so far as is practicable, implement the decision of the plebiscite.
- A46.2
- (a) Where a request is received under paragraph (a) of Divisional Branch Sub-rule A46.1 or a direction given under paragraph (b) of Divisional Branch Sub-rule A46.1, the Divisional Branch Secretary shall advise the Returning Officer and the Returning Officer shall direct the conduct of the plebiscite and shall take all necessary steps to ensure the secrecy of the ballot.
 - (b) The Returning Officer shall determine the opening and closing dates of the ballot.
 - (c) The Divisional Branch Management Committee or the Divisional Branch Executive and (where the plebiscite is held following a request pursuant to paragraph (b) of Divisional Branch Sub-rule 46.1), the members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and shall, before the opening of the ballot, advise the Returning Officer of the name of each such scrutineer.
 - (d) The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Divisional Branch, a ballot paper initialled by the Returning Officer together with a reply paid return envelope addressed to the Returning Officer at his address for the purpose of the conduct of the plebiscite. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary.
 - (e) Subject to paragraph (f) a scrutineer appointed under paragraph (c) may be present during the conduct of the ballot by the Returning Officer including the counting of ballot

papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.

- (f) A scrutineer shall observe a direction given by the Returning Officer during the conduct of the ballot and shall comply with any decision given by the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.
- (g) A voter shall cast a vote in a ballot under this Rule by completing the ballot paper forwarded to the voter under paragraph (d) in accordance with the directions to voters (if any) and forwarding the ballot paper to the Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
- (h) A vote cast in the ballot shall be informal if the intention of the voter is not clear.
- (i) On completion of the counting of ballot papers returned in a plebiscite the Returning Officer shall declare the result of the plebiscite by advising the Divisional Branch Secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

A46.3 Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

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A47. STANDING ORDERS AND DIVISIONAL BRANCH RULES OF DEBATE

A47.1 Call to Speak - the first speaker who attracts the attention of the President shall have precedence in speaking.

A47.2 Members addressing the meeting shall direct their speech to the Presiding Officer, and remain standing while so doing.

A47.3 Motions - no discussion shall take place on any motion unless such motion is duly proposed and seconded. Any number of amendments may be proposed.

A47.4 Amendment - when a motion shall have been duly proposed and seconded, the President shall proceed at once to take the votes thereon; unless some member rises to oppose it or to propose an amendment; but no amendment shall be in order unless notice be given to move the same before the proposer of the resolution has replied.

A47.5 No more than two members shall speak against any question before the meeting, and, if at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

A47.6 Question be now put - it shall be competent at any time during a debate for a member who has not already spoken to the question before the chair to move, without discussion, "That the question be now put", which on being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

A47.7 Speak only once - except in explanation, no member, other than the mover, shall speak more than once on the same motion.

- A47.8 Time Limit - no member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.
- A47.9 Reply - the mover only shall have the privilege of reply, after which the motion shall be forthwith put to the meeting.
- A47.10 Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.
- A47.11 President's right to speak - the President or Chairman for the time being may speak only on questions in which the interests of the Office he/she represents are directly involved. In the event of the President or Chairman desiring to speak on any question, he/she shall vacate the chair.
- A47.12 Limit to Debate - should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the President shall forthwith call on the mover to reply, unless the meeting decided by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.
- A47.13 Notice of Motion - at any meeting of the Sub-Branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting; or (2) handing a copy thereof to the President. Such notice of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, unless otherwise ordered by the Sub-Branch, and shall lapse if the member, or some member on his/her behalf, be not present when the order of the day for such notice is read.
- A47.14 Motion to Adjourn - no motion for the adjournment of the meeting shall be received while there is business before the President.
- A47.15 Moving Dissent from Chairman's Ruling - any member dissatisfied with the ruling of the Chairman may move a motion of dissent as follows, "That the Chairman's ruling be dissented from."
- 7.16 How Put - the motion shall then be put to the meeting by the Vice-Chairman, without discussion, in the following manner:-
- That the question is, "That the Chairman's ruling be upheld." Those in favour of upholding the Chairman's ruling say, "Aye". Those against the Chairman's ruling being upheld say, "No".
- A47.17 The mover only shall speak to the motion, except the Chairman, who may explain his/her reasons for the ruling given.
- A47.18 The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.
- A47.19 The Vice-Chairman's ruling shall only be dissented from a direct appeal to the meeting, the question being put by the Vice-Chairman without discussion.

MINING & ENERGY DIVISIONAL BRANCH RULES



B1. **NAME**

The name of this Divisional Branch of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland shall be the Mining and Energy Divisional Branch (hereafter in these Divisional Branch Rules referred to as the Divisional Branch).

B2. **DIVISIONAL BRANCH FUNDS**

B2.1 For the purpose of carrying out all or any of the objects of the Union, there shall be a fund of the Divisional Branch and the Divisional Branch fund may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans or by any other funds, assets or real property that may be attributed to the Divisional Branch fund pursuant to the Rules of the Union.

B2.2 Without limiting the generality of Divisional Branch Sub-rule B2.1 the Divisional Branch Fund shall consist of:

- (a) any real or personal property of which the Divisional Branch by the Union Rules or by any established practice not inconsistent with the Union Rules, has, or holds for its use and benefit or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
- (b) any entrance fees, subscriptions, fines, fees, or levies received by the Divisional Branch;
- (c) any interest, rents, dividends or other income derived from the investment of the funds of the Divisional Branch;
- (d) any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its Officers or employees;
- (e) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the Divisional 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.

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B3. **MEMBERSHIP**

B3.1 A candidate for membership of the Divisional Branch shall apply for membership to the Secretary of the Lodge at the place in which the candidate works, in writing, on the form prescribed and supplied by the Divisional Branch for that purpose. The signature of the candidate on the application form shall be witnessed by a member of the Lodge.

B3.2 A candidate for membership of the Divisional Branch shall be admitted if the candidate is a person who:-

- (a) by the nature of the candidate's occupation or employment engages in a calling that is a registered calling of the Union that relates to the Mining & Energy Divisional Branch; and
- (b) has the qualifications required by the eligibility rules of the Union that relate to the

## Mining &amp; Energy Divisional Branch; and

(c) is not of general bad character.

- B3.3 Lodge Secretaries shall sign and date membership application forms on the day they receive them. Subject to Sub-rule B3.3, a candidate for membership shall be deemed to be a member of the Divisional Branch from the date of the day of receipt of the membership application form by the Secretary of the Lodge.
- B3.4 Notwithstanding anything hereinbefore contained, the Secretary of a Lodge may refer any membership application to the Secretary of the Divisional Branch. The Secretary of the Divisional Branch shall immediately refer any such application to be considered by the Divisional Branch Executive. In such a case a candidate shall not become a member of the Divisional Branch until the Divisional Branch Executive has approved the application and the Divisional Branch Secretary has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the Divisional Branch from the date of the day of the Divisional Branch Secretary's letter of notification to the candidate. Where the Divisional Branch Executive, Divisional Branch Board of Management or the Divisional Branch Secretary decides against the admission to membership of a candidate, the candidate shall have a right to appeal to the Divisional Branch Board of Management. Where the Divisional Branch Board of Management decides to admit the candidate to membership the candidate shall be a member of the Divisional Branch from the date of the day of the Divisional Branch Board of Management's decision.
- B3.5 A candidate for membership of the Divisional Branch who works at a workplace in Queensland where no lodge of the Divisional Branch has been formed, shall apply for membership to the Secretary of the Divisional Branch in writing on the form prescribed and supplied by the Divisional Branch for that purpose. The signature of the candidate on the application form shall be witnessed by a member of the Divisional Branch. Subject to Divisional Branch Sub-rule B3.3, a candidate for membership under this sub-Rule shall be deemed to be a member of the Divisional Branch from the date of the day of receipt of the membership form by the Secretary of the Divisional Branch.
- B3.6 When a candidate is admitted to membership of the Divisional Branch, the new member's name, address and date of admission shall be entered in a book to be called the Lodge Register of Members, which shall be kept by the Lodge Secretary and also entered in a book to be called the Divisional Branch Register of Members and Officers, which shall be kept by the Secretary of the Divisional Branch, also entered in such Divisional Branch Register of Members and Officers shall be a list of Officers of the Divisional Branch which list shall be updated by the Divisional Branch Secretary from time to time.
- B3.7 Membership of the Divisional Branch shall be subject to Rules B4 and B5 of the Divisional Branch's Rules.
- B3.8 Candidates for membership when admitted to membership shall enjoy all advantages of membership for as long as the person complies with the Rules of the Union.
- B3.9 The Divisional Branch shall inform each candidate for membership in writing of:
- the financial obligations arising from membership; and
  - the circumstances and the manner in which a member may resign from the Divisional

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B4. **SUBSCRIPTIONS AND FEES**

- B4.1 Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules of the Divisional Branch.
- B4.2 There shall be an entrance fee payable by a candidate for membership of the Divisional Branch on the candidate's admission to membership. The entrance fee shall be determined by the Divisional Branch Board of Management. Entrance Fees shall be retained by the Divisional Branch.
- B4.3 Subscriptions, fines, fees and levies owing by a member of the Divisional Branch may be paid to the Secretary of a member's Lodge, or a person authorised by the Secretary of the member's Lodge but to no other person or member.
- B4.4 Subject to Rule B5 any member owing subscriptions, fines, fees or levies or any of them for more than fourteen days shall be deemed to be unfinancial and shall not be entitled to any of the privileges of membership, including the right to vote, and shall be liable to be sued for the recovery of amounts owed to the Divisional Branch.
- B4.5 No member who has left the industry without paying all fines, fees, levies and subscriptions due by the member to the Divisional Branch shall become a financial member of the Divisional Branch again until their case has been considered by the Divisional Branch Board of Management and permission has been given by the Divisional Branch Board of Management for the member to regain financial status.
- B4.6 Any member deemed unfinancial under Sub-Rule B4.4 shall be deemed to have become a financial member of the Divisional Branch again from the date of the completion of payment by the member of all amounts owing to the Divisional Branch. Continuity of membership and lodge seniority shall be restored from the date of completion of payment of all sums owing to the Divisional Branch.
- B4.7 Membership subscriptions shall be set by the Annual meeting of the Divisional Branch Board of Management and shall be payable for fifty-two weeks per year.
- B4.8 Employees otherwise eligible to join the Divisional Branch and under eighteen years of age and not in receipt of adult wages shall be half members and pay half subscriptions, fees and levies.
- B4.9 Half members shall receive half financial benefits provided that they may if they so desire pay full subscriptions, fees and levies and shall then be entitled to full financial benefits.
- B4.10 Any member being sick or out of employment in any pay period and not in receipt for that pay of award wages or other award payments equivalent to eighty dollars per fortnight (where the member is paid fortnightly) or forty dollars per week (where the member is paid weekly), or other amounts which may be determined from time to time by the Annual meeting of Divisional Branch Board of Management, shall be exempt from the payment of subscriptions, fees or levies for that pay period.
- B4.11 Members on compensation shall pay subscriptions as if at work, however, members receiving compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.



B4.12 Divisional Branch subscriptions shall be at a rate to be determined by the Divisional Branch Board of Management.

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B5. **SICK AND UNEMPLOYED MEMBERS**

B5.1 Any member registered in accordance with this Rule as an unemployed member and/or member on sick leave of absence, shall be entitled to the privileges of membership and shall be entitled to vote on all matters affecting the Divisional Branch excepting upon any matter upon which any decision might be made which would or might involve the Divisional Branch in the declaration of a strike or in a stoppage of work or in the making of a levy or levies upon the members of the Divisional Branch.

B5.2 Any member unable to pay subscriptions, fines, fees or levies by reason of the member being unemployed and/or on sick leave of absence and wishing to retain the rights and privileges conferred on the member by these Rules, shall be registered at least once in every quarter in the Divisional Quarterly Register of Unemployed and Sick Divisional Branch Members.

B5.3 An unemployed or sick member may apply, in writing, to the Secretary of the Lodge for registration in the Divisional Branch Quarterly Register of Unemployed and Sick Members. A member of a Divisional Branch who is not also a member of a Lodge may apply for registration, in writing, to the Secretary of the Divisional Branch. The Application to the Lodge or Divisional Branch Secretary shall be signed by the member and the member's signature witnessed by a member of the Divisional Branch. The application shall also, if the applicant is a member of a Lodge, include the name of the Lodge of which the applicant is a member.

B5.4 The Lodge or Divisional Branch Secretary shall sign and date applications as they are received. Lodge Secretaries shall send all such applications to the Divisional Branch Secretary immediately.

B5.5 The Divisional Branch Secretary shall submit all applications to the Divisional Branch Board of Management to be considered and approved or not approved. Where an application is approved the Divisional Branch Secretary shall enter the applicant's name and address and the date of approval of the application by the Divisional Branch Board of Management in a book to be called the Divisional Branch Quarterly Register of Unemployed and Sick Members. The applicant shall then be duly registered for a period of three months from the approval of the member's application. The Divisional Branch Board of Management shall have the power to remove the name of any member from the Register for any reason it thinks fit or may at the same time or at any other time prescribe a period for which the member shall be ineligible for registration in the Register.

B5.6 The Divisional Branch Secretary shall once in each quarter submit a list of names and addresses of members registered as unemployed or sick to the Divisional Branch Board of Management for consideration. Continuation of the registration of a member as an unemployed or sick member shall be at the discretion of the Divisional Branch Board of Management.

B6. **RESIGNATIONS**

B6.1 A financial member may terminate membership of the Divisional Branch by written notice addressed and delivered to the Divisional Branch Secretary.

B6.2 Notification of such resignation shall be taken as duly given if:-



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- (a) it is left at the registered Office of the Divisional Branch; or
- (b) it is addressed to the Divisional Branch, or any Officer thereof, and sent by post to the registered Office of the Divisional Branch.

- B6.3 If a financial member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the Union and/or the Divisional Branch in accordance with these Rules.
- B6.4 Any dues payable but not paid by a former member in relation to a period before a member's resignation took effect, may be sued for and recovered in the name of the Divisional Branch, in a Court of competent jurisdiction as a debt due to the Divisional Branch.
- B6.5 A notice may be delivered to a Lodge Secretary and shall be taken to have been received by the Divisional Branch when it was delivered.
- B6.6 A notice of resignation that has been received by the Lodge Secretary is not invalid because it was not addressed and delivered in accordance with Sub-Rule B6.1 of this Rule.
- B6.7 A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Divisional Branch that the resignation has been accepted.

#### B7. CLEARANCES

Any member removing from one Lodge to another shall obtain from the Secretary of the Lodge at the workplace the member is leaving, a certificate declaring that the member has met all financial obligations owed by the member to the Union up to the member's last pay day. The member shall take their clearance certificate to the workplace to which the member is removing on the member's first day of work and hand the clearance certificate to the Secretary of the Lodge at the workplace.

#### COPY OF DIVISIONAL BRANCH RULES

Every Lodge Secretary shall inform all newcomers of the existence of this Union and of this Divisional Branch and supply each such member with a copy of the Divisional Branch Rules within one month after the member commences work.

#### B9. ENTITLED TO VOTE

Subject to Rules B3, B4 and B5 of these Divisional Branch Rules, the members entitled to vote on any question shall be:

- (a) all financial members working in the industry;
- (b) all financial members unemployed or on sick leave of absence;
- (c) members registered according to Rule 5.1 in the Divisional Branch Quarterly Register of Unemployed and Sick Members.





## B10. DIVISIONAL BRANCH CONVENTION

### Elections

- B10.1 The governing Body of the Divisional Branch shall be the Divisional Branch Convention.
- B10.2 The Divisional Branch Convention shall be composed of one delegate from each lodge in the Divisional Branch, the Divisional Branch Executive Officers, the Divisional Branch Councillors and the members of the Divisional Branch Board of Management.
- B10.3 The Divisional Branch Executive Officers, the Divisional Branch Councillors and the members of the Divisional Branch Board of Management shall be members of the Divisional Branch Convention.
- B10.4 Lodge representatives shall be elected by each lodge each four years according to the Ballot Rules of the Divisional Branch.

## B11. MEETINGS

- B11.1 The Divisional Branch Convention shall meet once in each four years.
- B11.2 All expenses of the Divisional Branch Convention shall be met by the Divisional Branch, including the expenses of lodge delegates.
- B11.3 Standing orders for Divisional Branch Convention shall be determined at the first session of the Divisional Branch Convention.
- B11.4 The Divisional Branch Board of Management shall determine the dates on which the Divisional Branch Convention is to meet.
- B11.5 Four months before the Divisional Branch Convention is to meet the Divisional Branch Secretary shall notify each Lodge Secretary in writing of the meeting of Convention and call for each lodge to submit agenda items. The Divisional Branch Secretary shall allow at least two months for agenda items to be submitted. The Divisional Branch Secretary shall, one month before the Divisional Branch Convention meets, prepare an agenda and send a copy to lodge secretaries and lodge representatives to the Divisional Branch Convention. The Divisional Branch Convention shall have the right to accept further agenda items submitted during the course of the Divisional Branch Convention.
- B11.6 The Divisional Branch President shall be the Chairman of the Divisional Branch Convention. The Divisional Branch Secretary shall act as Secretary to the Divisional Branch Convention.
- B11.7 All representatives to Divisional Branch Convention shall have a deliberative vote excepting the Chairman who shall have a casting vote as well as a deliberative vote.

## B12. POWERS AND DUTIES OF CONVENTION

- B12.1 The Divisional Branch Convention as the governing body of the Divisional Branch shall have power to do all business, acts or things and make any decision which in its own judgement are proper for the achievement of the objects of the Divisional Branch. Without limiting the generality of its powers of control of the Divisional Branch, the Divisional Branch Convention shall have power to:



- (a) review the conduct of the Divisional Branch in the time since the last meeting of the Divisional Branch Convention;
- (b) hear appeals from lodges and members against decisions made by any other body in the Divisional Branch;
- (c) debate and decide upon agenda items submitted by lodges;
- (d) discuss, alter and amend the Rules of the Divisional Branch;
- (e) discuss, alter and amend any policy of the Divisional Branch;
- (f) establish guidelines for the general conduct of the Divisional Branch by the Divisional Branch Board of Management and the Divisional Branch Executive Officers.

  
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B12.2 The minutes of the Divisional Branch Convention shall be confirmed before Convention concludes and the minutes shall then be sent to the lodges for endorsement in the same way as decisions of the Divisional Branch Board of Management as provided for in Divisional Branch Rule B17. Only those decisions of the Divisional Branch Convention which are so endorsed shall become the binding policy of the Divisional Branch.

**B13. REFERENDA - CONTROL OF DIVISIONAL EXECUTIVE & DIVISIONAL
BRANCH BOARD OF MANAGEMENT, & DIVISIONAL BRANCH CONVENTION
BY MEMBERS**

B13.1 The Divisional Branch Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Divisional Branch direct the conduct of a referendum of the financial members of the Divisional Branch on a matter concerning the Divisional Branch.

B13.2 The Divisional Branch Convention, Divisional Branch Board of Management or Divisional Branch Executive may direct the conduct of the plebiscite of the financial members of the Branch on a matter concerning the Divisional Branch.

B13.3 A referendum shall be conducted by secret ballot by a Divisional Branch Returning Officer in accordance with Sub-rule 13.6 and shall be completed, in the case of a referendum pursuant to Sub-rule 13.1 within 2 months of the receipt by the Branch Secretary of the request and in the case of a direction pursuant to Sub-Rule 13.2 within 2 months of the direction.

B13.4 Where a request has been received pursuant to Sub-rule 13.1 or a direction given pursuant to Sub-rule 13.2, the Divisional Branch Convention, Divisional Branch Board of Management or Divisional Branch Executive shall not, so far as is practicable, until the completion of the referendum, act in relation to the matter the subject of the plebiscite.

B13.5 Where a majority of financial members of the Branch voting at a referendum approve the matter submitted to referendum, the matter shall be carried out and the Divisional Branch Convention, Divisional Branch Board of Management or Divisional Branch Executive shall, so far as is practicable, implement the decision of the referendum.

B13.6 Where a request is received pursuant to Sub-rule 13.1 or a direction given pursuant to Sub-rule 13.2, the Divisional Branch Secretary shall advise the Returning Officer and the

Returning Officer shall direct the conduct of the referendum and shall take all necessary steps to ensure the secrecy of the ballot.

- B13.7 The Returning Officer shall determine the opening and closing dates of the ballot.
- B13.8 The Divisional Branch Convention, Divisional Branch Board of Management or Divisional Branch Executive and (where the plebiscite is held following a request pursuant to Sub-rule 13.2), the members who requested the referendum may each appoint 2 scrutineers for the conduct of the referendum and shall, before the opening of the ballot, advise the Divisional Branch Returning Officer of the name of each such scrutineer.
- B13.9 The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Divisional Branch, a ballot paper initialled by the Returning Officer together with a reply paid return envelope addressed to the Returning Officer at his address for the purpose of the conduct of the plebiscite. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary.
- B13.10 Subject to Sub-rule 13.11 a scrutineer appointed pursuant to Sub-rule 13.8 may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the referendum and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the referendum is directed.
- B13.11 A scrutineer shall observe a direction given by the Returning Officer during the conduct of the ballot and shall comply with any decision given by the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the referendum.
- B13.12 A voter shall cast a vote in a ballot under this Rule by completing the ballot paper forwarded to the voter pursuant to Sub-rule 13.9 in accordance with the directions to voters (if any) and forwarding the ballot paper to the Divisional Branch Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
- B13.13 A vote cast in the ballot shall be informal if the intention of the voter is not clear.
- B13.14 On completion of the counting of ballot papers returned in a referendum the Returning Officer shall declare the result of the referendum by advising the Divisional Branch Secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the referendum, the number not approving and the number of informal votes.
- B13.15 Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.
- B14. **DIVISIONAL BRANCH BOARD OF MANAGEMENT**
- Elections**
- B14.1 Between meetings of the Divisional Branch Convention the Divisional Branch shall be controlled and directed by the Divisional Branch Board of Management.

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B14.2 The Divisional Branch Board of Management shall be composed of the Divisional Branch President, Divisional Branch Vice-Presidents, Divisional Branch Secretary, Divisional Branch Assistant Secretary, three Divisional Branch Councillors and representatives of Lodges elected on an area basis.

B14.3 Representation from the Lodges shall be as follows:

Northern Division: comprising Collinsville Lodge, Newlands Lodge and North Goonyella Lodge; one representative;

Moranbah Division: comprising Goonyella/Riverside Lodge and Peak Downs Lodge; one representative;

Dysart Division: comprising Saraji Lodge and Norwich Park Lodge; one representative;

Middlemount Division: comprising German Creek Lodge, Central Colliery Lodge, and Southern Colliery Lodge; one representative;

Central Division: comprising Blair Athol Lodge and Oaky Creek Lodge; one representative;

Emerald Division: comprising Gregory Lodge, Gordonstone Lodge, Yongala Lodge; one representative;

Blackwater West Division: comprising Blackwater No. 1 Lodge and Curragh Lodge; one representative;

Blackwater East Division: comprising South Blackwater Lodge, Cook Lodge, Yarrabee Lodge and Jellinbah Lodge; one representative;

Moura/Callide Division: comprising Moura Lodge and Callide Lodge; one representative;

Southern Division: comprising Tarong, Torbanlea, M W Haenke, Oakleigh, Ebenezer, Ebenezer Contractors, Jeebropilly, Jeebropilly Contractors and Rhondda/Oakleigh Lodge; one representative;

Engineering Division: comprising one (1) representative elected by the aggregate Divisional Branch membership to represent trades persons who are members provided such person is a mechanical or electrical tradesperson working as such;

Energy Division: comprising Callide B, Gladstone, Tarong, Stanwell and Swanbank Power Stations; one representative;

Coal Ports Division: comprising Abbott Point, Dalrymple Bay, Hay Point, Barney Point, Gladstone Port Authority, and BTS Brisbane; one representative;

B14.4 Division Lodge representatives as provided for in Divisional Branch Sub-rule B14.3 shall be elected every four years according to the Ballot Rules of the Divisional Branch. The elections shall be held in the month of October or November or December and the representatives elected shall take Office from the first of January next following their election.

B14.5 Any extraordinary vacancy which occurs in an elected position within the Divisional Branch shall be filled by the holding of an election in accordance with the Ballot Rules of the

Divisional Branch and the member so elected shall hold Office for the remainder of the term for which the previous holder of the Office was elected. Provided that where the remainder of the term does not exceed:

- (a) 12 months; or
- (b) three - quarters of the term of Office, whichever is the greater, the Divisional Branch Board of Management, depending on the nature of the Office, may appoint by resolution any eligible member of the Divisional Branch to act in that Office for the remainder of the term.

B15. **MEETINGS**

B15.1 The Divisional Branch Board of Management shall meet at least three times a year. One meeting shall be held in February or March, one in June or July and one in October or November of each year. The Divisional Branch Board of Management shall meet at such other times as the Executive of the Divisional Branch may deem necessary. The October/November meeting of the Board shall be the Annual General Meeting.

B15.2 At least one representative from each of three Lodge Divisions in addition to at least two Divisional Branch Executive Officers must be present at each meeting of the Divisional Branch Board of Management to form a quorum.

B15.3 The President, Vice-Presidents, Secretary, Councillors and each of the Lodge representatives shall have a deliberative vote at any meeting of the Divisional Branch Board of Management. The President shall in the event of the Divisional Branch Board of Management being equally divided on any question, be entitled to a casting vote. Every member of the Divisional Branch Board of Management shall vote either for or against any proposition put to the meeting, or be fined the sum of ten dollars.

B15.4 Any Officer or representative absenting himself/herself from any meeting of which the Officer or representative has been duly notified, by the Divisional Branch Secretary, in writing, at least seven days before the date of the meeting, without giving an explanation which is accepted by a majority of the members attending and voting at the next subsequent meeting of the Divisional Branch Board of Management, may be fined a sum not exceeding two hundred dollars as the Chairman may direct.

B15.5 A special meeting of the Divisional Branch Board of Management may be convened by a majority of the Divisional Branch Executive, or upon written request to the Divisional Branch Secretary or the Divisional Branch President to call such special meeting signed by at least one representative from each of at least three Lodge Divisions. Upon receipt of such a request the Divisional Branch Secretary or the Divisional President shall convene a meeting of the Board.

B15.6 The Divisional Branch Secretary shall issue or cause to be issued to Divisional Board of Management members, a notice of the date of the Divisional Branch Board of Management meeting at least fourteen days prior to the date of the meeting. The Divisional Branch Secretary shall issue or cause to be issued an agenda paper to members of the Divisional Branch Board of Management at least fourteen days prior to the meeting of the Divisional Branch Board of Management.

B16. **LODGE BUSINESS**

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B16.1 Any Lodge having business for the consideration of the Divisional Branch, after having dealt with the same locally, shall forward it to the Divisional Branch Secretary to be submitted to the next following meeting of the Divisional Branch Executive or of the Divisional Branch Board of Management.

B16.2 Each Lodge Secretary shall forward to the Divisional Branch Secretary within twenty-eight days from receiving same, or such other time as the Board may determine, the decision of the Lodge on any business that may be sent to it for its consideration by the Divisional Branch Executive or the Divisional Branch Board of Management. The decision of any Lodge failing to comply with this Rule, shall be null and void.

B16.3 The Divisional Branch Executive or the Divisional Branch Board of Management may, and, upon requisition from Lodges whose combined financial membership is not less than twenty per cent of the Divisional Branch, shall, call special meetings of the Divisional Branch membership. The business to be done at such meetings shall be limited to that stated in the decision or requisition covering the meeting.

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7. ENDORSEMENT OF DECISIONS

B17.1 All business transacted by the Divisional Branch Board of Management shall be confirmed before the meeting concludes and copies of the confirmed minutes shall be posted to the Lodges of the Divisional Branch.

B17.2 The Executive Committee of each Lodge shall submit the confirmed resolutions of the Divisional Branch Board of Management to a meeting of the Lodge membership. The Secretary of each Lodge shall record the number of votes for and against each Divisional Branch Board of Management resolution. The Secretary shall send a return of the votes, signed and dated by him/her, to the Divisional Branch Secretary within six weeks of the date on which the Divisional Branch Secretary posted the Divisional Branch Board of Management minutes to the Lodges or such other time as the Divisional Branch Board of Management shall direct.

B17.3 A resolution of the Divisional Branch Board of Management shall become the binding policy of the Divisional Branch if an aggregate Divisional Branch majority of the members of the Divisional Branch attending and voting at Lodge meetings which consider the Divisional Branch Board of Management resolutions, vote in favour of the resolution.

B17.4 The Divisional Branch Board of Management shall from time to time decide a penalty for Lodges which do not send their minute returns to the Divisional Branch Secretary in the time allowed. Where there are extenuating circumstances the Divisional Branch Board of Management may, on consideration of a written explanation from the Secretary of the Lodge concerned, decide by a majority vote of the Divisional Branch Board of Management members attending and voting at the meeting at which the explanation is considered, delete, waive, reduce or remove the penalty.

B18. POWERS AND DUTIES OF THE DIVISIONAL BRANCH BOARD OF MANAGEMENT

The powers and duties of the Divisional Branch Board of Management which shall act between meetings of the Divisional Branch Convention shall be as follows:

- (a) to deal with any grievances arising at any of the Lodges of the Divisional Branch in relation to work, wages and conditions;

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B19.1 Executive Officers

B19.3 Each Divisional Branch Officer shall remain in Office unless the Divisional Branch Officer

resigns their position by writing delivered at least one month in advance of the intended date of resignation, or unless removed from Office.

B19.4

A person elected to Office in the Divisional Branch shall not be dismissed from Office unless found guilty by the Divisional Branch Board of Management of misappropriation of funds of the Divisional Branch, a substantive breach of the Rules of the Divisional Branch, gross misbehaviour, gross neglect of duty or has ceased according to the Rules to be eligible to hold Office. Where dismissal of an Officer under this sub-Rule is contemplated the Divisional Branch Board of Management shall appoint a Committee of three Divisional Branch Board of Management members to investigate and report on the case. Where dismissal of an Officer under this sub-Rule is contemplated the Officer concerned shall have presented to the Officer by the Board's investigating committee a written statement of the charges alleged against the Officer. The Officer shall have full freedom to make a verbal and/or written response to the charges, and bring such material or witnesses as may be relevant to the charges, to both the investigating committee and the meeting of the Divisional Branch Board of Management which hears the report of the investigating committee. There shall elapse a period of not less than one month, or any greater period the Divisional Branch Board of Management shall determine, between the delivery to the Officer concerned of the written statement of charges against the Officer, and the hearing by the investigating committee of the Officer's response to the charges. The Officer may if the Officer wishes waive all or part of the minimum one month period of notification. The decision of the Divisional Branch Board of Management shall not take effect until endorsed by an aggregate Divisional majority of members attending and voting at Lodge meetings at which the business of that Divisional Branch Board of Management meeting is considered.

B19.5

In the event of an Office falling vacant the remaining members of the Divisional Branch Executive or the Divisional Branch Board of Management shall commence within twenty-one days from the date of such vacancy occurring, to fill the vacancy by election of a new Officer or Officers according to these Divisional Branch Rules.

B19.6

Where the period of the unexpired term of Office be less than six calendar months the successful candidate shall hold Office to the end of the term and for the succeeding term. Where the period of the unexpired term of Office is six calendar months or more the successful candidate shall at the end of the term, if the successful candidate wishes to remain in Office, stand for re-election according to these Divisional Branch Rules.

B19.7

The Divisional Executive Officers shall remain financial members of the Divisional Branch and retain full membership rights of the Lodges of which they were members at the time of their election to the Divisional Branch Office.

B20.

DUTIES OF DIVISIONAL BRANCH EXECUTIVE OFFICERS

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B20.1

The Divisional Branch President - The Divisional Branch President shall preside at all meetings of the Divisional Branch Board of Management or meetings called by the Divisional Branch. The Divisional Branch President shall act in conjunction with the Divisional Branch Vice-Presidents, Divisional Branch Secretary and Divisional Branch Assistant Secretary in transacting the general business of the Divisional Branch and, in the absence of the Divisional Branch Secretary, shall attend to the correspondence of the Divisional Branch. The Divisional Branch President shall assist the Divisional Branch Secretary in the preparation of annual reports and accounts and arrange with the Secretary for the attendance of either at important meetings of the Lodges. The Divisional Branch President shall act as advocate for the Divisional Branch and ensure that the Divisional

Branch Rules are carried out in the Lodges. The Divisional Branch President shall receive for his/her services such remuneration as shall be agreed upon from time to time between the Divisional Branch Presidents and the Divisional Branch Board of Management.

- B20.2 The Divisional Branch Vice-Presidents - The Divisional Branch Vice-Presidents shall act in conjunction with the Divisional Branch President and the Divisional Branch Secretary and the Divisional Branch Assistant Secretary in transacting the general business of the Divisional Branch. The Divisional Branch Vice-Presidents shall, in the absence of the Divisional Branch President, perform the duties of the Divisional Branch President, and on instruction of the Divisional Branch President, deputise for the Divisional Branch President. They shall receive for their services such remuneration as shall be agreed upon from time to time between themselves and the Divisional Branch Board of Management.
- B20.3 The Divisional Branch Secretary - The Divisional Branch Secretary's duties shall be to keep separate accounts of all monies received or paid on account of every particular fund and to keep separate accounts of the expenses of management and of all contributions on account thereof; and with the assistance of the Divisional Branch President, the Divisional Branch Vice-Presidents and the Divisional Branch Assistant Secretary, prepare a yearly Balance Sheet of the same, submit it to the first Divisional Board of Management Meeting after the end of the financial year and forward a copy to each Lodge. The Divisional Branch Secretary shall attend, and take minutes of the proceedings of all Divisional Branch Meetings. The Divisional Branch Secretary shall, with the Divisional Branch President, the Divisional Branch Vice-Presidents and the Divisional Branch Assistant Secretary, zealously attend to all correspondence, watch the interests of the Divisional Branch and do all in his/her power to advance the members' interests generally. The Divisional Branch Secretary shall arrange with the Divisional Branch President for attendance of either at important meetings of the various Lodges, and also be empowered with the concurrence of the Divisional Branch President to call special Divisional Branch Board of Management Meetings in all cases of emergency. The Divisional Branch Secretary shall be responsible to the Divisional Branch Board of Management and shall receive such remuneration as shall be agreed upon from time to time between himself/herself and the Divisional Branch Board of Management.
- B20.4 The Divisional Branch Assistant Secretary - The Divisional Branch Assistant Secretary shall act in conjunction with the Divisional Branch President, the Divisional Branch Vice-Presidents and the Divisional Branch Secretary in transacting the general business of the Divisional Branch. The Divisional Branch Assistant Secretary shall, in the absence of the Divisional Branch Secretary, perform the duties of the Divisional Branch Secretary and on the instruction of the Divisional Branch Secretary, deputise for the Divisional Branch Secretary. He/she shall receive for his/her services such remuneration as shall be agreed upon from time to time between himself/herself and the Divisional Branch Board of Management.

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B21. MEETINGS OF THE DIVISIONAL BRANCH EXECUTIVE

- B21.1 The Divisional Branch President or the Divisional Branch Secretary may convene a meeting of the Divisional Branch Executive at any time by oral or written communication to the other members of the Executive.
- B21.2 A quorum of any meeting of the Divisional Branch Executive shall be three.
- B21.3 The chairman of any meeting of the Divisional Branch Executive shall have a deliberative but not a casting vote.

B21.4 Where matters are due to be decided by the Divisional Branch Executive and an Officer cannot be present he/she may if he wishes record a vote by letter or facsimile. In such an event the decision of the majority shall be valid as had they assembled.

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B22. **POWERS OF THE DIVISIONAL BRANCH EXECUTIVE**

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The Divisional Branch Executive shall, subject to the review of its actions by the next ensuing meeting of the Divisional Branch Board of Management, have the care, control, custody, superintendence, management and administration in all respects of the affairs, funds and property of the Divisional Branch. The Powers of the Executive shall include the following:

- (a) to suspend any member of the Divisional Branch Executive or of the Divisional Branch Board of Management or representatives of the Divisional Branch on any Board or Body for any breach or infringement of the Rules of the Divisional Branch or for any misconduct or dereliction of duty or any misapplication respecting the whole or any part of the funds, monies or other property of the Divisional Branch or non-compliance with or disobedience of any request or order contained in any resolution of the Divisional Branch Board of Management and to inflict any fine not exceeding fifty dollars. Where action is taken by the Divisional Branch Executive under this sub-Rule there shall be a general right of appeal by the member, representative, Councillor or body affected to the Divisional Branch Board of Management. This Sub-rule shall be read subject to Divisional Branch Sub-rule B19.4;
- (b) to consider and decide upon any application for admission to membership referred to it by a Lodge Secretary or other Officer;
- (c) to initiate, manage and control all actions, proceedings, industrial disputes and other matters, and to appoint agents, solicitors or counsel to appear for and represent the Divisional Branch or any of its members in any Court or proceedings, legal or otherwise;
- (d) to demand and collect all levies, subscriptions, fines and dues payable by the members;
- (e) to demand, receive and keep possession of all books and accounts of the Divisional Branch;
- (f) to demand, or cause to be made, an audit of the books and accounts of the Divisional Branch;
- (g) to engage such clerks or servants or other assistance that in its opinion are necessary for the proper carrying out of the business of the Divisional Branch and to pay such wages, salaries and allowances as to it shall seem proper;
- (h) to incur all necessary accounts, and expenditure for the proper upkeep of the Divisional Branch and to pay all sums so incurred;
- (i) to exercise such other powers as may be conferred upon them by the Divisional Branch Convention, Divisional Branch Board of Management or by any Rule of the Divisional Branch;
- (j) to appoint Committees or Sub-committees amongst the members of the Divisional Branch for specific purposes of enquiry and report in respect of any matter that may involve the interest of the Divisional Branch or any member thereof;

- (k) to submit such matters as may appear to it to be of sufficient importance to the Divisional Branch Board of Management for decision or directly to the members of the Divisional Branch for decision by ballot;
- (l) industrial agreements may be made, entered into and executed and may from time to time be altered, varied, modified or cancelled by or on behalf of the Divisional Branch by the Divisional Branch Executive. Any industrial agreement made, entered into or executed, shall be signed by the Divisional Branch President, the Divisional Branch Vice-Presidents, the Divisional Branch Secretary or the Divisional Branch Assistant Secretary. No industrial agreement shall be entered into unless its terms have first been approved by an aggregate majority of the members attending and voting at meetings of the Lodges of the Divisional Branch affected. Similar approval shall be obtained in respect of any alteration, variation or cancellation thereof. All other documents shall be executed on behalf of the Divisional Branch by the Divisional Branch Secretary, Divisional Branch President, Divisional Branch Vice-Presidents or Divisional Branch Assistant Secretary;
- (m) all acts of the Divisional Branch Executive done in pursuance of the powers granted it by these Divisional Branch Rules shall have full force and effect and be of full validity, unless such acts shall be reversed or altered or otherwise dealt with by the next ensuing meeting of the Divisional Branch Board of Management;
- (n) the Divisional Branch Executive shall, prior to the sitting of any meeting of the Divisional Branch Board of Management, prepare an agenda paper. The paper shall set out in such form as the Divisional Branch Executive may decide the matters to be brought before the Divisional Branch Board of Management for consideration, and a copy of such shall be sent to all members of the Divisional Branch Board of Management seven days before the meeting.

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B23. ADDITIONAL OFFICERS

- B23.1 There shall be three Divisional Branch Union Inspectors and three Divisional Branch Councillors.
- B23.2 The Divisional Branch Union Inspectors and Divisional Branch Councillors shall be elected every four years by the members of the Divisional Branch according to the Ballot Rules of the Divisional Branch and shall take Office from the first of January next following their election.
- B23.3 The Divisional Branch Union Inspectors shall be full time Officers attached to the Divisional Branch Office and responsible to the Divisional Branch Executive. They shall be paid such remuneration as shall be agreed upon between each of them and the Divisional Branch Board of Management from time to time.
- B23.4 The Divisional Branch Union Inspectors elected in accordance with the Divisional Branch Rules shall, in conjunction with the local miners' Officer/s elected by the men working at the colliery to be inspected, inspect the whole of the collieries in Queensland where lodges are established and shall record the results of each inspection in a Record Book kept at the Divisional Branch Office for the purpose. The Divisional Branch Union Inspectors, by virtue of Office, shall attend all Divisional Branch Board of Management meetings without the right to vote but shall have the privilege of participating in all discussions.
- B23.5 The Divisional Branch Councillors shall be part time Officers of the Divisional Branch whose

duties shall be to attend meetings of the Divisional Branch and address lodges and other meetings of members at the direction of the Divisional Branch Board of Management and to attend meetings of the Divisional Branch Board of Management. The Divisional Branch Councillors shall be responsible to the Divisional Branch Executive and the Divisional Branch Board of Management.

B24. CONTROL OF DIVISIONAL BRANCH COUNCILLORS & DIVISIONAL BRANCH UNION INSPECTORS

The Divisional Branch Councillors and Divisional Branch Union Inspectors elected in accordance with the Divisional Branch Rules shall be subject to Divisional Branch Sub-rules B19.4, B19.5 and B19.6.

B25. DIVISIONAL BRANCH EXECUTIVE CONTROL

Subject to the control of the Divisional Branch Board of Management and the Divisional Branch Convention the property and funds of the Divisional Branch shall be under the control of the Divisional Branch Executive.

B26. USE OF FUNDS

B26.1 The funds of the Divisional Branch shall be applied and/or invested as follows: in such lawful manner as the Divisional Branch Board of Management or Divisional Branch Convention may decide, including, without limiting the generality of this sub-clause, deposit on current account or fixed deposit with any Bank or Financial Institution carrying on business within or outside the Commonwealth of Australia, the mortgage of real or personal estate whether situated within or outside the Commonwealth, the subscription for or purchase of shares in any Company registered and carrying on business in any State of the Commonwealth or elsewhere. Funds so applied shall only be realised on the authority of the Divisional Branch Executive or on the authority of the Divisional Branch Board of Management.

B26.2 Monies shall be drawn from the funds of the Divisional Branch only by cheque signed by two of the four Divisional Branch Executive Officers and/or the Office Manager.

B26.3 Loans, grants and donations of any amount exceeding \$1 000.00 shall not be made by the Divisional Branch unless the Divisional Branch Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the Divisional Branch and that, 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. Loans, grants and donations of an amount exceeding \$1,000.00 shall not be made unless approved by the Divisional Branch Board of Management.

B27. BOOKS AND RECORDS

The Divisional Branch Secretary shall keep or cause to be kept all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by the Divisional Branch Rules or by the Divisional Branch Board of Management or the Divisional Branch Convention.

B28. FINANCIAL YEAR

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The financial year for the accounting purposes of the Divisional Branch shall end at 30 June in each year.

B29.

TRUSTEES

B29.1

There shall be four Divisional Branch Trustees. The Divisional Branch Board of Management shall elect from among their members four trustees. The Divisional Branch Trustees shall hold Office for four years concurrently with the Divisional Branch Executive Officers. The Divisional Branch Trustees' Office shall be subject to Divisional Branch Sub-rules B19.4, B19.5 and B19.6.

B29.2

The Divisional Branch Trustees shall, under the direction of the Divisional Branch Board of Management, prosecute, or, if more convenient, direct any Officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the Divisional Branch and they themselves institute, or if more convenient, may direct any Officer or Officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Divisional Branch's property; or doing or neglecting to do any act so as to render himself/herself or may themselves liable to legal proceedings in reference to affairs of the Divisional Branch.

B29.3

All funds, investments and other property of the Divisional Branch shall be vested in the Divisional Branch Trustees as joint tenants inter se and held by them in trust for the members of the Divisional Branch.

B29.4

The Divisional Branch Trustees and/or the Divisional Branch Board of Management shall without prejudice to any further power and duties conferred by the Divisional Branch Rules and by statute be vested with all and every of the powers and duties with which Divisional Branch Trustees may lawfully be vested. The Divisional Branch Board of Management shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the name of the Divisional Branch or authorise the Trustees to institute such proceedings.

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B29.5

The Divisional Branch Trustees shall have power:

- (a) to receive money or other property paid, delivered or conveyed to them as Trustees of the Divisional Branch and to expend moneys without distinction between capital and income;
- (b) to invest, gift, donate, sell, exchange or otherwise dispose of investments or other property of the Divisional Branch and to deal with the funds of the Divisional Branch including purchase or otherwise acquiring of property out of the funds of the Divisional Branch;
- (c) to lend and advance money or give credit to any person or corporation; to guarantee, and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation; to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any persons or corporation; and otherwise to assist any person or corporation. This sub-Rule shall be subject to Divisional Branch Sub-Rule B26.3;
- (d) to borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement

incurred or to be entered into by the Divisional Branch in any way, and to purchase, redeem or pay off any such securities;

- (e) to lease, licence, hire or otherwise give and acquire rights to use or occupy property of the Divisional Branch and for the purposes of the Divisional Branch and to carry on any business of the Divisional Branch;
- (f) to call upon any Lodge Secretary to submit to the Divisional Branch Trustees all documentation whether in the form of Contracts loans or otherwise together with full financial particulars and to render such further information as the Divisional Branch Trustees may require from time to time relating to any activity or transaction be it Commercial or otherwise of any Lodge which may in the opinion of the Divisional Branch Trustees contravene Divisional Branch Sub-rule B36.7 of the Divisional Branch Rules or be contrary to the objects of the Union as particularised in Rule 5 of these Rules.

B29.6 For the purpose of exercising a power listed above the Divisional Branch Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds or in relation to property beneficially owned by them and were acting in a personal as against a fiduciary capacity. The powers conferred by this sub-Rule shall be in addition to such powers as are conferred upon Divisional Branch Trustees by any law for the time being in force in Australia or any of its States or Territories (everyone of which statutory powers the Divisional Branch Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be construed to be limited or restricted to or by the statutory powers or so as to impose upon the Divisional Branch Trustees any duties imposed by law upon Divisional Branch Trustees exercising the statutory powers.

B29.7 The Divisional Branch Trustees shall be fully and effectually indemnified out of the funds of the Divisional Branch in respect of any personal liability incurred in a proper exercise of the powers given by this Rule or by law and shall not be liable to the Divisional Branch or any of its members for any loss incurred in a proper exercise of such powers.

B30. AUDITOR

B30.1 An auditor appointed by the Divisional Branch Board of Management shall audit the accounts in July of each year, and see that the same are correctly kept in accordance with the Divisional Branch Rules and the requirements of the law. The auditor shall have power at any time to call for all books, records, papers vouchers and documents belonging to the Divisional Branch or any delegate, Officer or committee thereof, so far as is necessary to the task of carrying out the audit. The auditor shall make an annual report of the audit to the Divisional Branch and shall sign the necessary papers certifying to the audit and to the financial position of the Divisional Branch.

B30.2 The selection of an auditor, the presentation of the accounts and certificates by the auditor and all other matters to do with the audit, the keeping and presentation of accounts to the Divisional Branch Board of Management and to the membership, shall be according to the requirements forms and procedures of the law affecting the accounting and auditing practices of organisations registered under the provisions of the Industrial Relations Act.

B31. OFFICE

The Office of the Divisional Branch shall be at Level 2, 61 Bowen Street, Spring Hill or such other place as may be decided upon by the Divisional Branch Board of Management from time

to time.

B32. **ACCESS TO BOOKS**

Each member of the Divisional Branch or person having an interest in the funds, shall, at all reasonable times, have access to the books and records both of the Lodge of which he/she is a member and of the Divisional Branch.

B33. **EXPENSES**

Travelling fares, wages and other expenses as prescribed from time to time shall be allowed to representatives to the Divisional Branch Board of Management, representatives to any other conferences convened by the Divisional Branch, and any other meeting or conference approved by the Divisional Branch Executive, Divisional Branch Board of Management or Divisional Branch Convention and shall be defrayed by the Divisional Branch Board of Management.

B34. **FORMATION OF LODGES**

B34.1 The Divisional Branch Executive shall take whatever steps are necessary to establish lodges of the Divisional Branch at all workplaces in Queensland.

B34.2 Where there is no lodge at a workplace or where a new workplace has started work and the Divisional Branch Executive is of the opinion that a lodge should be formed, the Divisional Branch Executive shall announce, in whatever way is best suited to the circumstances of the workplace, that a meeting will be held of eligible workers for the purposes of forming a lodge of the Divisional Branch. The announcement shall state that a committee, Officers and representatives of the lodge, as required by the Divisional Branch Rules, will be elected at the foundation meeting.

B34.3 The foundation meeting shall be chaired by a member of the Divisional Branch Executive, by a member of the Divisional Branch Board of Management or by a Divisional Branch Councillor.

B34.4 The foundation meeting shall be conducted according to the standing orders for Divisional Branch Lodge Meetings.

B34.5 The foundation meeting shall elect a committee, Officers and representatives as required by the Divisional Branch Rules.

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B35. **WHERE THERE ARE NO LODGES**

Any member of the Divisional Branch starting work at a workplace where there is no Lodge of the Divisional Branch shall pay to the Secretary of the Lodge nearest to the members workplace all subscriptions, contributions, fees, dues and levies which shall be determined as payable by the member by the Divisional Branch Executive.

B36. **MANAGEMENT OF LODGES**

B36.1 Each Lodge shall be managed by a Committee consisting of a Chairman, Secretary, Treasurer and four members.

B36.2 The Committee shall be elected by the Lodge, according to the Ballot Rules of the Divisional Branch, provided that a Lodge shall, elect the Committee on an annual basis.

- B36.3 No member under eighteen years of age shall be eligible to serve on the Committee.
- B36.4 The Chairman shall preside at all meetings and have both a deliberative and a casting vote.
- B36.5 A majority of members of the Committee, including either the Lodge Chairman or Lodge Secretary shall form a quorum.
- B36.6 All lodge meetings shall be conducted according to the standing orders of the Divisional Branch.
- B36.7 Each lodge shall have power to make by-laws for its own guidance and control of its members. Such by-laws shall not be in contravention of the Rules of the Divisional Branch or the Union and shall not become operative until submitted to and approved by the Divisional Branch Executive.

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B37. **POWERS AND DUTIES OF LODGE CHAIRMEN**

The Chairman shall preside at all meetings and in conjunction with the Secretary and Treasurer ensure that the Rules of the Union and the Divisional Branch and the Lodge are carried out. The Chairman shall act as advocate and spokesman for the Lodge and generally act in the interests of the membership.

B38. **POWERS AND DUTIES OF LODGE SECRETARY**

The Secretary shall, in conjunction with the Chairman and Treasurer, ensure that the Rules of the Union, the Divisional Branch and the Lodge are carried out. The Secretary shall be responsible for keeping the books and records of the Lodge including a minute book for recording resolutions of Lodge meetings, a register of agreements made with the employer at the workplace, a correct account of the wages received by the lodge members and together with the Treasurer a record of the contributions, fines, fees, levies and other monies paid by members of the Lodge.

B39. **POWERS AND DUTIES OF TREASURER**

The Treasurer shall, in conjunction with the Chairman and Secretary ensure that the Rules of the Union, the Divisional Branch and the Lodge are carried out. The Treasurer shall be responsible for receiving and paying monies of the Lodge. The Treasurer shall, in conjunction with the Secretary, keep accurate records of all payments and receipts and provide the financial returns to the Divisional Branch Office required by these Rules. The Treasurer and Secretary together shall ensure the prompt remittance to the Divisional Branch Office of all sums of money due according to the Divisional Branch Rules. The Treasurer shall produce for inspection the books, vouchers and other records of receipts and payments when called upon to do so by the Divisional Branch Executive or Lodge Committee.

B40. **POWERS AND DUTIES OF LODGE COMMITTEES**

- B40.1 The Lodge Committee shall do whatever may be necessary to ensure that the health, lives and interests of their fellow workers are to the utmost protected.
- B40.2 The Lodge Committee shall have power to strike a special levy to pay for Lodge expenses legitimately incurred in the conduct of Lodge business. Such special levy shall not be collected unless endorsed by a majority of members of the Lodge attending and voting at a meeting of the

lodge. The Committee of any lodge, with the concurrence of such lodge, shall have power to fine any member whose conduct has been or is inconsistent with the Rules of the Union, of the Divisional Branch or decisions of the lodge reached by majority vote; but any such member shall have the right of appeal to the Board of Management. All appeals shall be sent by the Lodge Secretary to the Divisional Branch Secretary. Where a fine has been imposed, the amount of the fine shall be forwarded with the appeal.

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B41. **FINANCIAL**

B41.1 Subscriptions, fees, fines, dues and levies shall be collected fortnightly by all Lodges unless provision is otherwise specifically made by agreement between the Divisional Branch Executive and the Lodge Committee.

B41.2 Lodges shall use the individual receipt method of acknowledging and recording the payment of money by members and all Lodges with a membership of twenty-five or over shall adopt the cheque account method of payment of monies.

1.3 All accounts and property of the Lodge shall be held in the names of the Chairman, Secretary and Treasurer of the Lodge on behalf of the Lodge.

B41.4 The Lodge Secretary shall submit an annual return to the Divisional Branch Secretary showing the income and expenditure of his/her Lodge and also send a contributions book and a receipt book for inspection by the Divisional Branch Auditors. The return shall cover the Divisional Branch financial year.

B41.5 Each Lodge shall elect two auditors each year. The auditors shall examine the accounts of the Lodge half yearly. The auditors shall sign the annual statements of Lodge receipts and expenditure which are prepared for the Divisional Branch Secretary.

B42. **STRIKES**

B42.1 No lodge of this Divisional Branch shall begin a strike before the Lodge's grievance has been considered by the Divisional Branch Board of Management.

B42.2 In every case, before a strike is begun the Divisional Branch Board of Management shall offer to the employer or employees the option of settling the dispute by conciliatory means. If no settlement is reached by conciliation the Divisional Branch Board of Management shall have free power to take whatever steps are necessary having regard to the Rules of the Union, the Divisional Branch and the Commonwealth and State industrial laws.

B42.3 No lodge of the Divisional Branch shall begin a strike unless a majority of Lodge members attending and voting at a meeting called to consider the question shall vote in favour of the strike.

B42.4 No general strike of the Divisional Branch shall take place unless an aggregate Divisional Branch majority of members of lodges attending and voting at meetings called to consider the question shall vote in favour of the strike.

B42.5 The conduct of negotiations in any dispute shall be under the direction of the Divisional Branch Executive and the Divisional Branch Board of Management.

B42.6 In the case of a strike conducted in accordance with the Divisional Branch Rules, or a lockout

by the employers, the Divisional Branch Executive in consultation with the Divisional Branch Board of Management shall have power to levy members of lodges for support of the members on strike or locked out. Such levies shall not be collected unless endorsed by an aggregate Divisional Branch majority of members of the Divisional Branch attending and voting at meetings called to consider the question.

B43. LODGE REFERENDA - CONTROL OF LODGE COMMITTEE BY MEMBERS

- B43.1 The Lodge Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Lodge direct the conduct of a referendum of the financial members of the Branch on a matter concerning the Lodge.
- B43.2 The Lodge Committee may direct the conduct of the referendum of the financial members of the Lodge on a matter concerning the Lodge.
- B43.3 A referendum shall be conducted by secret ballot by a Lodge Returning Officer in accordance with Sub-rule B43.6 and shall be completed, in the case of a referendum pursuant to Sub-rule B43.1 within 2 months of the receipt by the Branch Secretary of the request and in the case of a direction pursuant to Sub-Rule B43.2 within 2 months of the direction.
- B43.4 Where a request has been received pursuant to Sub-rule B43.1 or a direction given pursuant to Sub-rule B43.2, the Lodge Committee shall not, so far as is practicable, until the completion of the referendum, act in relation to the matter the subject of the plebiscite.
- B43.5 Where a majority of financial members of the Lodge voting at a referendum approve the matter submitted to referendum, the matter shall be carried out and the Lodge Committee shall, so far as is practicable, implement the decision of the referendum.
- B43.6 Where a request is received pursuant to Sub-rule B43.1 or a direction given pursuant to Sub-rule B43.2, the Lodge Secretary shall advise the Returning Officer and the Returning Officer shall direct the conduct of the referendum and shall take all necessary steps to ensure the secrecy of the ballot.
- B43.7 The Returning Officer shall determine the opening and closing dates of the ballot.
- B43.8 The Lodge Committee members or the Lodge Committees and (where the referendum is held following a request pursuant to Sub-rule B43.2), the members who requested the referendum may each appoint 2 scrutineers for the conduct of the referendum and shall, before the opening of the ballot, advise the Lodge Returning Officer of the name of each such scrutineer.
- B43.9 The Returning Officer shall on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the Lodge, a ballot paper initialled by the Returning Officer together with a reply paid return envelope addressed to the Returning Officer at his address for the purpose of the conduct of the referendum. The ballot paper may contain, or be accompanied by, such directions to voters as the Returning Officer considers necessary.
- B43.10 Subject to Sub-rule B43.11 a scrutineer appointed pursuant to Sub-rule B43.8 may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the referendum and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the referendum is directed.

- B43.11 A scrutineer shall observe a direction given by the Returning Officer during the conduct of the ballot and shall comply with any decision given by the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the referendum.
- B43.12 A voter shall cast a vote in a ballot under this Rule by completing the ballot paper forwarded to the voter pursuant to Sub-rule B43.9 in accordance with the directions to voters (if any) and forwarding the ballot paper to the Lodge Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
- B43.13 A vote cast in the ballot shall be informal if the intention of the voter is not clear.
- B43.14 On completion of the counting of ballot papers returned in a referendum the Returning Officer shall declare the result of the referendum by advising the Lodge Secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the referendum, the number not approving and the number of informal votes.
- B3.15 Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

B44. PRIVATE AGREEMENTS/EMPLOYMENT WHILST ON LONG SERVICE LEAVE

- B44.1 No member of this Union will be permitted to enter into any private agreement relating to the work performed pursuant to the Industry/s of the Divisional Branch at any workplace, without first submitting such agreement to the Divisional Branch Executive for its approval or otherwise.
- B44.2 Members of the Divisional Branch shall not take other employment whilst on long service leave. Any member taking other employment whilst on long service leave shall forfeit all lodge seniority rights and be deemed to be a new starter on starting work after the completion of the long service leave. Any member taking employment whilst on long service leave shall, in addition to the members formal award entitlements to days of leave, take leave equivalent to the total number of days worked in other employment.

B45. ALTERATION OF DIVISIONAL BRANCH RULES

- B45.1 Proposed new Divisional Branch Rules may be made and any of the Rules of the Divisional Branch may be altered, amended, added to or rescinded upon an examination and a report being received from the Rules Committee of members of the Divisional Branch Board of Management or Divisional Branch Convention appointed from time to time as the occasion arises by the Divisional Branch Board of Management or Divisional Branch Convention as the case may be.
- B45.2 The report of the Rules Committee shall be discussed by the Divisional Branch Board of Management or Divisional Branch Convention and the proposed Divisional Branch Rules change submitted for approval by a majority of the members present and voting at that meeting of the Divisional Branch Board of Management or Divisional Branch Convention and then submitted for the approval of the membership in the same manner as other Divisional Branch Board of Management or Divisional Branch Convention resolutions.

B46. DISSOLUTION OF THE DIVISIONAL BRANCH

While seven financial members remain in the Divisional Branch, the Divisional Branch shall not be dissolved. Should the number of members at any time fall below seven the Divisional Branch

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shall be dissolved. In the event of a dissolution, all monies, after payment of all just debts, shall be held on trust by the Divisional Branch in a separate fund until such time as a new Divisional Branch containing seven or more members can be formed.

B47. DIVISIONAL BALLOT RULES

B47.1 Elections for each directly elected Office in the Divisional Branch shall be by secret postal ballot in accordance with the provisions of the Industrial Relations Act Industrial Relations Regulations and pursuant to the Union Rules.

B47.2 The Divisional Branch Board of Management shall appoint a Returning Officer to conduct elections within the Divisional Branch. Such Returning Officer shall not be the holder of any Office in or be an employee of the Divisional Branch or a Lodge.

B47.3 The Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election to an Office having regard to:

- (a) the date of the expiration of the term of Office of the holder of the Office;
- (b) the time required to lodge the nominations;
- (c) the time required to complete the election.

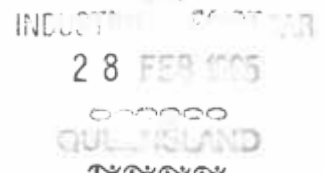
B47.4 The Returning Officer shall, within the period of 21 days before the date of commencement of the period for lodging nominations of candidates for an election for an Office within the Divisional Branch, cause to be published in a newspaper or newspapers a notice setting out:

- (a) the title of the Office;
- (b) the form in which nominations are to be made;
- (c) the place for lodging nominations;
- (d) the times and dates of the commencement and close of the period for lodging nominations, and inviting nominations of persons, eligible for election for the Office under the Divisional Branch Rules to stand as candidates for election to the Office.

B47.5 The Returning Officer shall, in respect of an election for an Office within a Divisional Branch determine the newspaper or newspapers in which the notice shall be published having regard to any particular region to which the functions of the Office relate.

B47.6 A person is not eligible for election for an Office unless that person's nomination is in writing and is signed by that person and two other financial members.

B47.7 Where the Returning Officer finds that a document lodged at the place and within the period determined by the Returning Officer pursuant to Sub-rule B47.3 of this Rule and purporting to be the nomination of a person as a candidate for an election to an Office is not a nomination in accordance with the provisions of this paragraph the Returning Officer shall, before rejecting the nomination, notify the person concerned by facsimile of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect within not less than seven days after the person is so notified.



- B47.8 A person is not eligible for election unless the nomination of the person as a candidate for election is lodged at the place determined by the Returning Officer pursuant to Sub-rule B47.4(c) of this Rule and within the period for lodging nominations pursuant to Sub-rule B47.3 or Sub-rule B47.7 of this Rule.
- B47.9 Where on the expiry of the period for lodging the nomination of a candidate for election to an Office, only one candidate is nominated for election for the Office, the Returning Officer shall declare pursuant to Sub-rule B47.37 of this Rule that the candidate has been elected to that Office.
- B47.10 The names and addresses of members of the Divisional Branch who are entitled under the Divisional Branch Rules to vote in an election shall form the roll of votes for the election.
- B47.11 The Returning Officer shall prepare a roll of voters who, on the fourteenth day before the date determined pursuant to Sub-rule B47.17 of this Rule for the commencement of issuing ballot papers, are entitled to vote in the election.
- B47.12 The Returning Officer shall add to the roll of voters the names and addresses of persons who, after the day referred to in Sub-rule B47.11 of this Rule become entitled to vote in the election.
- B47.13 The Returning Officer shall delete from the roll of voters the names of persons who, after the day referred to in Sub-rule B47.11 of this Rule cease to be entitled to vote in the election.
- B47.14 The Returning Officer shall, at the place where he/she carried out his/her functions as Returning Officer, make the roll of voters in an election for an Office available for inspection by members or by any person authorised by the Returning Officer, during the ordinary hours of business in the period that commences on the day referred to in Sub-rule B47.11 of this Rule and ends on the day on which the result of the election is declared.
- B47.15 Where any person entitled to vote in an election will be absent from the address shown on the register of members or from the meeting at which the election is to be conducted for the duration of the ballot, the person may apply to the Returning Officer for an absentee vote. In any such case the Returning Officer shall take such steps as are necessary to allow that person to cast a vote.
- B47.16 The Returning Officer shall use, for the purpose of receiving ballot papers in respect of an election a private box at a post Office being a private box used exclusively for that purpose. Access to the private box shall be under the exclusive control of:
- (a) persons authorised by the Australia Post for the purpose;
 - (b) the Returning Officer; and
 - (c) persons authorised in writing by the Returning Officer for the purpose.
- B47.17 Where more than one candidate is nominated for election for an Office the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:
- (a) the date of expiration of the term of Office of the holder of the Office;
 - (b) the time required to send and return ballot papers by post; and

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- (c) the time required to complete the election.

B47.18 As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue by posting by prepaid post, to each person:

- (a) whose name is on the roll of voters referred to in Sub-rule B47.11 of this Rule;
- (b) whose name is, under Sub-rule B47.12 of this Rule added to the roll; and
- (c) whose name has not, before the issue of the ballot paper been deleted from the roll under Sub-rule B47.13 of this Rule, at the address shown on the roll, a ballot paper in a sealed envelope.

B47.19 Where in respect of an election the Returning Officer has issued a ballot paper to a person whose name is, after the issue of a ballot paper, deleted from the roll of voters the person shall be deemed to be entitled to vote in the election.

B47.20 The envelope referred to in Sub-rule B47.18 of this Rule shall bear an instruction that, if it is not delivered to the addressee, it should be returned to a specified private box at a post Office other than the private box referred to in Sub-rule B47.16 of this Rule.

B47.21 Access to the private box referred to in Sub-rule B47.16 of this Rule shall be under the exclusive control of:

- (a) persons authorised by the Australia Post for the purpose;
- (b) The Returning Officer; and
- (c) persons authorised in writing by the Returning Officer for the purpose.

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B47.22 The envelope referred to in Sub-rule B47.18 of this Rule shall contain:

- (a) a ballot paper showing the time and date of the close of the ballot, being a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
- (b) an envelope addressed to the private box referred to in Sub-rule B47.16 of this Rule being an envelope that may be posted without expense to the voter;
- (c) written instructions to the voter how to mark the ballot paper in order to record a formal vote in accordance with the Divisional Branch Rules; and
- (d) any other document required for the conduct of the election.

B47.23 The names of candidates for election for an Office shall appear on the ballot paper for that election in the alphabetical order of the surnames of the candidates or, in relation to candidates whose surnames are identical in the alphabetical order of their Christian or given names.

B47.24 The Returning Officer shall include on the ballot paper instructions to the voter that are substantially in accordance with the following form:

- (a) do not put on the ballot paper any mark or writing by which you can be identified;

- (b) fold the ballot paper in a manner that conceals the way in which it is marked;
- (c) place the ballot paper in the envelope that is supplied and that is addressed to the Returning Officer; and
- (d) seal the envelope and post it to reach the Returning Officer before the time of the close of the ballot.

B47.25 Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the roll of voters, has not been received or has been lost, destroyed or spoilt, the Returning Officer shall issue to that person a duplicate ballot paper, or return envelope, as the case may be.

B47.26 An application by a person for a duplicate ballot paper, or return envelope, for an election shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

B47.27 The Returning Officer may, at any time before the close of the ballot for an election for an Office and shall, as soon as practicable after the time of the close of the ballot:

- (a) place unopened into a container or containers envelopes, addressed to the private box referred to in Sub-rule B47.16 of this Rule received by the Returning Officer before the time of the close of the ballot;
- (b) seal each of the containers;
- (c) endorse on each of the containers:
 - (i) the name of the Divisional Branch and the title of the Office;
 - (ii) the words "Ballot papers received from voters on or before the closing date".
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing.
- (d) keep each of the containers in safe custody until the containers are opened in accordance with Sub-rule B47.29 of this Rule.

B47.28 The Returning Officers shall:

- (a) place unopened into a container or containers envelopes addressed to the private box referred to in Sub-rule B47.16 of this Rule received by the Returning Officer after the time of the close of the ballot for an election for an Office within the Divisional Branch;
- (b) seal each of the containers;
- (c) endorse on each of the containers:
 - (i) the name of the Divisional Branch and the title of the Office;

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- (ii) the words "Ballot papers received from voters after the closing date;
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing;
- (d) subject to the requirements of the Industrial Relations Act keep each of the containers in safe custody.

B47.29 The Returning Officer shall, as soon as practicable after the time of the close of the Ballot, open the sealed containers referred to in Sub-rule B47.27 of this Rule, with-draw the ballot paper from each envelope and without looking at the manner in which the ballot is marked, place each ballot paper in a ballot box, provided for the purpose for scrutiny in accordance with Sub-rule B47.30 of this Rule.

B47.30 The Returning Officer shall open the ballot box in which ballot papers have been placed, withdraw each ballot paper and after rejecting informal ballot papers:

- (a) count the number of votes to ascertain which candidate is successful in the election to the relevant Office;
- (b) place into a container or containers the ballot papers admitted as formal, seal each of the containers and endorse on each of the containers:
 - (i) the name of the Divisional Branch and the title of the Office;
 - (ii) the words "Ballot papers admitted as formal";
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing.
- (c) place into a container or containers the ballot papers rejected as informal, seal each of the containers and endorse on each of the containers:
 - (i) the name of the Divisional Branch and the title of the Office;
 - (ii) the words "Ballot papers rejected as informal";
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing.
- (d) subject to the requirements of the Industrial Relations Act, keep each of the containers in safe custody.

B47.31 The Returning Officer shall reject as informal a ballot paper that:

- (a) does not bear the initials of the Returning Officer or the facsimile of those initials that is referred to in Sub-rule B47.22(a) of this Rule;
- (b) has upon it a mark or writing by which the voter can be identified; or

- (c) is not marked substantially in accordance with the instructions referred to in Sub-rule B47.22(c) of this Rule.

B47.32 Where, during the scrutiny, the Returning Officer is informed by a scrutineer appointed under Sub-rule B47.33 of this Rule that the scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse the Returning Officer's decision on the ballot paper.

B47.33 Each candidate nominated for election may, in writing, appoint a scrutineer in respect of that election, being a person other than a candidate, and may, in writing, appoint another such person to carry out the functions of the scrutineer where the first mentioned person does not carry out those functions.

B47.34 Subject to Sub-rule B47.35 a scrutineer appointed under this regulation may:

- (a) be present while the Returning Officer carries out his/her functions under Sub-rules B47.27, B47.28, B47.29, B47.30, B47.31 and B47.32 of this Rule; and
- (b) direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes.

B47.35 Where a scrutineer appointed under this Rule:

- (a) interrupts the scrutiny otherwise than in accordance with Sub-rule B47.34(b) of this Rule; or
- (b) fails to carry out a lawful request by the Returning Officer,

the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.

B47.36 A scrutineer appointed under this paragraph shall comply with direction by the Returning Officer under Sub-rule B47.35 of this Rule.

B47.37 As soon as is practicable the Returning Officer shall declare the result of an election by giving notice in writing to the Divisional Branch of the result.

B47.38 When declaring the result in respect of the election the Returning Officer shall also declare in respect of the election:

- (a) the number of ballot papers issued (other than duplicate ballot papers);
- (b) the number of duplicate ballot papers issued;
- (c) the number of ballot papers admitted as formal; and
- (d) the number of ballot papers rejected as informal.

B47.39 The Returning Officer shall at all times, as far as is practicable, ensure that no irregularities occur in the conduct of the Ballot.

B48. **UNION PREFERENCE**

Preference shall be given to financial members of this Union excepting those members who are temporary members working for contractors not respondent to the Award.

B49. **RETIRED MEMBERS**

Any member contributing to the funds of the Divisional Branch for five years and over, in the event of ceasing work through old age or infirmity shall be exempt from payment of subscriptions, levies and fines and may still remain a member of the Divisional branch, but will not be allowed to vote in Divisional Branch or Union ballots.

B50. **MEMBERS DISCHARGED**

In the event of any member of this Divisional Branch being discharged from their employer, the member may report same to the Committee of the members lodge who shall investigate the case, and should it be proved that the member violated no working rules of the workplace, shall request that the member be reinstated in the members employment, and if refused the case shall be referred to the Divisional Branch Board of Management, and if the member is considered a victimised member, the member shall be considered for payment in accordance with the practice of the Divisional Branch.

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B51. **HOURS OF EMPLOYMENT**

QUEENSLAND

No member of this Union shall work in or about any workplace for more than seven hours in any one day, unless the Chairman and Secretary of the Lodge to which such member belongs gives the member special permission, and all cases in which such permission is given shall be reported by the Lodge Secretary to the next meeting of the Divisional Branch Board of Management.

B52. **MEMBERS WORKING ON HOLIDAYS**

Any member of this Divisional Branch working on award statutory holidays or any day set apart by the Divisional Branch shall be fined twenty-five dollars (\$25.00), work of actual necessity excepted.

B53. **MORTUARY BENEFIT FUND**

B53.1 A levy of fifty cents (50c) per member, per fortnight, (or whatever amount which the Divisional Branch Board of Management may decide from time to time is necessary), shall be struck to provide a Mortuary Benefit Fund. Money standing to the credit of the fund shall not be used for any purpose other than those specified in this Divisional Branch Rule.

B53.2 In the consequence of the death of any member or half member of the Divisional Branch the Divisional Branch Executive shall, at its discretion, pay to the next of kin, or to any relative, or to a beneficiary under the Will of such deceased member, or to the executor of the deceased's Estate, or to any other person, who, in the opinion of the Divisional Branch Executive, has a valid claim, the sum of seven hundred dollars (\$700.00) or whatever amount the Divisional Branch Board of Management may decide from time to time, providing however that the Divisional Branch Board of Management or Divisional Branch Executive shall have the right to make no such payment in consequence of the death of a member or half member where it can be clearly established that payment of the Mortuary benefit will in no way benefit any of the abovementioned persons, provided further, that upon exercising this right to make no Mortuary

Benefit Payment, the Divisional Branch Executive shall report all the circumstances surrounding its action to the next Meeting of the Divisional Board of Management.

B53.3

For the purpose of this Divisional Branch Rule, and to determine eligibility for payment of the Mortuary benefit, a member or half member shall be defined as:-

- (a) a person who is employed in the coal mining industry as a member of the Mining & Energy Divisional Branch at the date of the members death;
- (b) a retrenched person who has been a financial member of the Mining & Energy Divisional Branch (or a member of a Union whose members have in a process of amalgamation been allocated to the Mining & Energy Divisional Branch) for a least ten (10) years prior to the date of retrenchment, provided that such retrenched member, upon electing to remain a contributor to the Mortuary Benefit Fund shall pay, within two (2) weeks of the date of the member's retrenchment such contribution as may be calculated in accordance with this Divisional Branch Rule to maintain the member as a financial member of the Fund up until the close of the last fortnightly period in respect of which Divisional Branch contributions are payable in the year during which the member was retrenched provided further that such retrenched member shall also pay, before the close of the first fortnightly period ending in February of each year in respect of which Divisional Branch Contributions are payable, such contributions as may be calculated in accordance with this Divisional Branch Rule to maintain the member as a financial member of the Fund for the ensuing year, provided however, that a retrenched member, who would qualify for a Miners' Pension on any date subsequent to the members retirement would be liable for contributions to the Fund only up until such qualifying date;
- (c) a person who leaves the coal mining industry of that persons own accord and who has, upon the date of so leaving, been a financial member of the Mining & Energy Divisional Branch for a period of time sufficient to enable that person to qualify for a Miners' Pension or Superannuation on any subsequent date provided however, that such a person shall pay contributions to the Fund as though that person were a retrenched member;
- (d) a person who retires, or who has retired, from the coal mining industry on the Miners' Pension as a member of the Mining & Energy Divisional Branch;
- (e) a person who goes out of the coal mining industry on phthisis compensation as a member of the Mining & Energy Divisional Branch;
- (f) a person who goes out of the coal mining industry medically qualified for a Commonwealth Invalid Pension as a member of the Mining & Energy Divisional Branch and whose medical qualifications for same continues.

B53.4

This Divisional Branch Rule shall be deemed to have become operative on and from Monday, the 12th August, 1968.

B54.

STANDING ORDERS

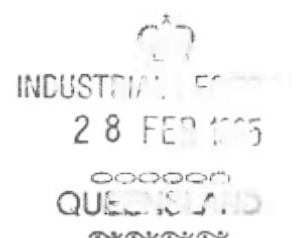
B54.1

Every member desiring to speak, shall rise in place and address themselves to the Chairman and members.

B54.2

When two (2) or more person rise to speak together, the Chairman shall call upon the member, who in the Chairman's opinion, first rose to their place.

- B54.3 No member may speak more than once to a question before the Meeting, except in explanation or reply, and no member shall speak for more than ten (10) minutes on any question, except by permission of the Chairman.
- B54.4 A reply will only be allowed to a member who has moved a resolution.
- B54.5 It shall be competent for a member, when the member seconds a motion or amendment without speaking to it to address the meeting at any subsequent period of the debate.
- B54.6 Any amendment destroying or altering the intention of a motion shall be in order, but an amendment in relation to a different subject shall not be in order, nor shall any further amendment be accepted until the first has been disposed of.
- B54.7 Any member having made a motion, may withdraw it with the consent of the seconder, before it is debated, but not afterwards without permission of the Meeting.
- B54.8 When amendments have been carried, the main question as amended shall be put.
- B54.9 Any member may request that the question or matter in discussion be stated for the members information, at any time during the debate, but not so as to interrupt a member speaking.
- B54.10 When the Chairman is putting a question, no member shall leave the meeting, nor while a member is speaking, shall any member in any way interrupt that member, and no member shall leave the meeting without the permission of the Chairman.
- B54.11 When a member is called to order, the member shall take their seat until the point is determined.
- B54.12 Any member using disorderly language, shall be deemed out of order, and failing to obey the ruling of the chair, be fined twenty-five cents (25c) for each offence.
- B54.13 Any motion for adjournment shall be put without discussion.
- B54.14 When any business has been dealt with, and decided by the meeting, no appeal against the decision shall be allowed, unless some additional evidence is forthcoming, satisfactory to the presiding Officer.
- B54.15 No member will be permitted to obstruct the business of any meeting, nor will swearing, drinking or gambling be allowed. Any person failing to comply with this rule may be fined at the direction of the meeting.



G. Betts
.....
G. Betts, STATE SECRETARY

D. Holloway
.....
D. Holloway, STATE PRESIDENT

W.W. Trohear
.....
W.W. Trohear, STATE SECRETARY

P.J. Stone
.....
P.J. Stone, STATE PRESIDENT

P. Neilson
.....
P. Neilson, STATE SECRETARY

A. Vickers
.....
A. Vickers, STATE PRESIDENT



RULES OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

REGISTRAR
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1. NAME

The name of the Union shall be the:

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, described in these rules as the "Union", and the "Association".

2. DEFINITIONS

"Divisional Branch" shall mean a Divisional Branch of the Union established under these Rules and as far as practicable be on industry or occupational lines.

"Divisional Branch Rules" refers to the Rules of each of the Divisional Branches unless the context specifies reference to a particular Divisional Branch.

"Financial Member" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union and Divisional Branch.

"Lodge" shall mean a Sub-Branch of a Divisional Branch established in accordance with these Rules and shall cover a particular geographical region, occupational basis or area. A reference in these Rules of the Union to a Sub-Branch shall be taken to also be a reference to a lodge.

"Member" shall mean a member of the Union, male or female.

"Preferential Voting" shall mean a system of voting in which the Voter shall place the number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his/her preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"Proportional Representation" shall mean a system of representation at Committees, Conferences, Executives or other organisational bodies which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these Rules, that each person on such Committee, Conference, Executive or other organisational bodies, represents.

"Sub-Branch" shall mean a Sub-Branch of a Divisional Branch established in accordance with these Rules and shall cover a particular geographical region.

"State Rules" refers to the Rules of the Union other than Rules of Divisional Branches.

"Sub-Branch Rules" shall refer to the rules of Sub-Branches of Divisional Branches.

"Union" shall mean this Union and shall include all its Divisional Branches, Sub-Branches, lodges and/or any other section or part of the Union.

"Union Rules" refers to the Rules of the Union as a whole and is inclusive of the Rules of each of the Divisional Branches and the State Rules.

"Union Fund" shall mean all funds, assets or real property vested in the Union but shall not be inclusive of:-

(a) any funds, assets or real property held in a Divisional Branch Fund; and/or

(b) any funds, assets or real property the beneficial use of which or control of which derives to a Divisional Branch Fund.

"Divisional Branch Fund" shall mean the fund of each of the Divisional Branches which for the purposes of carrying out all or any objects of the Union may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans or by any other funds, assets or real property that may be attributed to the Divisional Branch Fund for its use and benefit pursuant to the Rules of the Union and without limiting the generality of the foregoing, shall consist of:-

(a) any real or personal property of which the Divisional Branch by the Union Rules or by any established practice not inconsistent with the Union Rules, has, or holds for its use and benefit or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) any entrance fees, subscriptions, fines, fees, or levies received by the Divisional Branch;

(c) any interest, rents, dividends or other income derived from the investment of the funds of the Divisional Branch;

- (d) any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its Officers or employees;
- (e) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the Divisional 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.

3. REGISTERED OFFICE, PLACE OF MEETING & REGISTERED OFFICER

- 3.1 The Registered Office of the Union shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed.
- 3.2 The Registered Office shall be the place of meeting for the purposes of conducting the business of the Union except where the State Management Committee directs otherwise.
- 3.3 Without limiting the powers conferred by any law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.
- 3.4 The principal Officer of the Union shall, for all purposes, be the State Secretary.
- 3.5 Nothing in this State Rule affects the operation of any other State Rules relating to the powers of a Divisional Branch Secretary.

4. ELIGIBILITY

- 4.1 The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.
- 4.2 This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:
 - (a) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

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- (b) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.
- (c) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.
- (d) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.
- (e) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.
- (f) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.
- (g) Signwriting, designing and/or lettering of price tickets and showcards.
- (h) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.
- (i) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.
- (j) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or

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caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

- (k) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.
- (l) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production and preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

- 4.3 The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, fork lift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid Officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow-motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Nothing in these Rules shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

- 4.4 The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

5. OBJECTS

The objects of the Union are as follows:

- 5.1 To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

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- 5.2 To regulate the conditions under which all members, of the Union may be employed.
- 5.3 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.
- 5.4 To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.
- 5.5 To establish a funeral and other benefit funds.
- 5.6 To establish Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout Queensland.
- 5.7 To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.
- 5.8 To constitute, conduct, carry on and manage clubs in the interest of members.
- 5.9 To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.
- 5.10 To establish and manage a Union Journal or Journals.
- 5.11 To hold, purchase, lease, sell, mortgage or otherwise deal in property.
- 5.12 To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.
- 5.13 To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.
- 5.14 To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Divisional Branches, and to assist other trades by any legal method.
- 5.15 To obtain such other objects as the State Conference or State Executive shall from time to time determine.
- 5.16 To organise the education of members.
- 5.17 To establish a fund from which to provide retiring allowances to full time Officers and employees of the Union or its Divisional Branches.
- 5.18 The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory Unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

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- 5.19 To achieve such other objects as may be lawfully adopted by any Divisional Branch of the Union.
- 5.20 To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration system in the State.
- 5.21 Consistent with the objects provided for in Sub-rule 5.1 to 5.20 inclusive of this Rule and without limiting nor detracting from the generality of those objects to more particularly have the following objects:
- (a) to improve the conditions and to protect the interests of the members of the Divisional Branch by increasing the proportionate share of the wealth to the workers and endeavouring to educate and work for the complete abolition of the present wage system and the substitution of the common ownership of the means of production, distribution and exchange;
 - (b) to discuss, consider and put into force when approved, any scheme for the better guidance and extension of Australian industrial organisation;
 - (c) to uphold the Rules of the Divisional Branch and to regulate the conditions under which members may be employed;
 - (d) to prevent by conference or otherwise needless cessation of work;
 - (e) to provide a weekly allowance for the support of members who may be locked out, or on strike, or victimised, and to resist any unjust regulation connected with their employment;
 - (f) to obtain legislative enactments for the more efficient management of mines, whereby the lives and health of miners may be preserved and, if necessary, to take steps to obtain compensation for accidents where employers are liable;
 - (g) to make the hours of labour not more than six in twenty-four for all persons working in or about the industry of coal, shale metal, coke, smelting works, metal processing, bulk loading and power generation and supply in Queensland;
 - (h) to secure and maintain an effective general agreement between the members of the Union and their employers embodying rates, wages and conditions, to be settled by mutual agreement or by arbitration;
 - (i) to prevent illegal stoppages of wages of members at the pay Office;
 - (j) to assist all Unions that have the same or similar objects as this Union;
 - (k) to induce all persons working in or about the industry of coal, shale metal, coke, smelting works, metal processing, bulk loading and power generation and supply in Queensland to become members of this Union;
 - (l) to secure the return of working-class representatives in Parliament to promote such legislative enactment as will ensure industrial justice to Australian workers;
 - (m) in order to further or ensure the better advocacy of the principles and rights of labour or

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for any other purpose which the Divisional Board of Management may deem proper, to support, own in whole or in part, and/or subsidise any newspaper or any other publication advocating the cause of labour;

- (n) to do any other act provided for in the Rules of the Divisional Branch;
- (o) to raise funds by levies, subscriptions, contributions, donations and loans for all or any of the objects of the Divisional Branch or for any charitable object;
- (p) from time to time to raise funds for the purpose of applying and/or investing the same;
- (q) to federate or to amalgamate with any trade or industrial Union or organisation, or to join or to co-operate with them in any way deemed desirable or necessary for carrying out all or any of the objects set out herein;
- (r) to carry on or participate directly or indirectly alone or with others in the carrying on of any mining or prospecting operation and related activities thereto;
- (s) to take, subscribe for or otherwise acquire and hold any interest or shares, debentures, stock or other security of any company or trust or acquire any interest in any company or trust to achieve the furtherance of any of the objects of the Divisional Branch;
- (t) to raise funds whether by loan or otherwise for all or any of the objects of the Divisional Branch and to invest such funds in such manner as the Divisional Branch shall see fit;
- (u) to purchase, take on lease or in exchange, hire and otherwise acquire and sell any real and personal property and any rights or privileges which may be necessary or convenient for the furtherance of any of the objects of the Divisional Branch;
- (v) to do any other act or thing to achieve or further the objects of the Divisional Branch.

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6. DIVISIONAL BRANCHES

6.1 The Union shall be divided into Divisional Branches as follows and each member of the Union shall be allocated, in accordance with the industries or occupations in which they are engaged, to the relevant Divisional Branch:-

6.2 Mining and Energy Divisional Branch

All members engaged or usually engaged in the Industries of mining and processing of mine products, the transport and handling of mine products, the electricity generation and supply industry, and such other members as may be allocated by State Conference.

6.3 Queensland Construction and General Divisional Branch

All members, of the Union, other than members allocated pursuant to Sub-rule 6.2 of this Rule, that are not otherwise allocated to any other Divisional Branch.

6.4 Allocation of Officers and Employees to Divisional Branches

All members who are not otherwise members of a Divisional Branch and who are Officers or

employees of the Union shall be allocated to a Divisional Branch by the State Executive. The State Executive in determining such allocation shall take into account any Industry or Divisional Branch association, involvement or affinities of such member, whether historical or current. Such member shall be deemed to be employed in the industry of that Divisional Branch for all purposes under these Union Rules. Provided that all Officers and employees of the Union shall be eligible to nominate for any position designated as full-time State Offices by the State Executive.

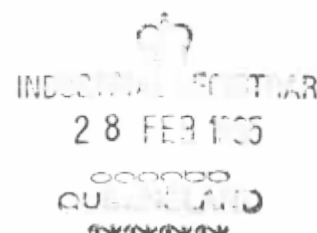
6.5 Disputes

Any dispute arising out of the application of this Rule shall be referred by either of the Divisional Branch Secretaries to the State Executive for determination and the decision of the State Executive shall be final.

6.6 Divisional Branch Autonomy

Each Divisional Branch shall have autonomy to decide matters which do not directly affect the members of another Divisional Branch without any interference by any other body within the Union, including but not limited to;

- (a) the industrial interests of its members;
- (b) the election of Officers within the Divisional Branches;
- (c) matters arising from the Objects of the Divisional Branch;
- (d) structure of the Divisional Branch.



6.7 Each Divisional Branch shall have autonomy in relation to its funds, assets or real property held in its Divisional Branch fund or funds, assets or real property in relation to which the beneficial use has derived to its Divisional Branch fund.

6.8 Divisional Branch Rules

Each Divisional Branch shall have Rules and have power to make, alter or rescind such Rules, to be called Divisional Branch Rules. Without limiting the generality of the foregoing paragraph, each Divisional Branch shall have power to determine policy for that Divisional Branch not inconsistent with the Rules and policy of the Union as decided by State Conference or State Executive.

6.9 If there is any environmental matter that directly affects the employment of members of one Divisional Branch only, then that Divisional Branch whose members are so affected shall have the power to determine the policy of the Union on that matter.

6.10 Divisional Branches may, in accordance with their Rules, have Sub-Branes along a geographic, occupational or area basis.

7. MEMBERSHIP

7.1 A candidate for membership of the Union may make application to the State Secretary, or the Divisional Branch Secretary of the Divisional Branch covering the Industry in which the person is employed (in this Sub-rule the "relevant Divisional Branch"), or the Sub-Branch Secretary of

the Sub-Branch covering the area in which the person resides, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the relevant Divisional Branch. Any such application shall be forwarded to the Office of the relevant Divisional Branch which under the Rules of that Divisional Branch deals with such applications.

- 7.2 The decision to accept or reject that application shall be made in accordance with the Rules of the relevant Divisional Branch.

Provided always that a candidate for membership of the Union shall be admitted if the candidate is a person who:-

- (a) by the nature of the candidate's occupation or employment engages in a calling that is a registered calling of the Union; and
- (b) has the qualifications required by the eligibility rules of the Union; and
- (c) is not of general bad character.

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- 7.3 If such application is accepted the applicant shall be deemed to be a member of the Union from the date of receipt of the application by the relevant Divisional Branch. Where an application is received by the State Secretary, the State Secretary shall forthwith forward such application for membership to the Divisional Branch Secretary of the relevant Divisional Branch.

- 7.4 Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

- 7.5 Any application for membership may be referred to the State Executive by the Divisional Branch to whom application is made or by the member.

- 7.6 Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the State Executive, whose decision shall be final.

- 7.7 A member shall be attached to the Divisional Branch of the Union covering the industry or employment of the member and shall be in only one such Divisional Branch. Each member shall be notified of the Divisional Branch which such member is attached and such Divisional Branch shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Divisional Branch to which that member is assigned.

- 7.8 Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the Union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules of the Union has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Divisional Branch without loss of continuity of membership.

- 7.9 Any Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used by any previously registered organisation of employees which has become, upon amalgamation, part of this Union.

7.10 A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

7.11 Candidates for membership when admitted to membership shall enjoy all advantages of membership for as long as the person complies with the Rules of the Union.

7.12 A member, being aware of the death of any other member, shall notify the Divisional Branch Secretary of the Divisional Branch to which the deceased member belonged.

8. ENTRANCE FEES AND CONTRIBUTIONS/FINANCIAL STATUS

8.1 Entrance fees and contributions payable by any person on application to join the Union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the Divisional Branch which, in accordance with the State Rules, the person or member is to be or is assigned.

8.2 Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the Rules of the Union on or before the date specified in any such Rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the Union Rules may provide that some members or some class of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

8.3 A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

9. CLEARANCES

9.1 Members desiring to transfer to any other Union covering their calling shall make application to the Divisional Branch Secretary, or where the Rules of the Union so provide, a Sub-Branch, in writing, and shall pay all dues owing to the Union and the members transfer will be forwarded to the Secretary of the Union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other Union.

9.2 Any member of a kindred trade Union, or any Union whose Awards cover workers specified in the Rules of the Union, may be admitted to membership on production to the Divisional Branch Secretary, or where the Rules of the Division so provide, a Sub-Branch, of a clearance from such Union showing that all dues, contributions and levies payable to such Union have been paid. The membership of a person so admitted shall commence as from the date of the production of his clearance. The Rules of the Union may provide for persons who had been members of any Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

9.3 A clearance shall not be granted to any member unless all moneys owing have first been paid.

10. RESIGNATION OF MEMBERS

10.1 A financial member may terminate membership of the Union by written notice addressed and delivered to the State Secretary.

10.2 Notification of such resignation shall be taken as duly given if:-

- (a) it is left at the registered Office of the Union; or
- (b) it is addressed to the Union, or any Officer thereof, and sent by post to the registered Office of the Union.

- 10.3 If a financial member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the Union and/or the Divisional Branch in accordance with Divisional Branch Rules.
- 10.4 Termination of membership by resignation does not affect the liability of the member or former member to pay such fees or levies as may have been owing at the date of resignation, and such moneys may be sued for and recovered in the name of the Union or the Divisional Branch.
- 10.5 A financial member of the Union may also terminate membership of the Union by resigning pursuant to the Rules of the Divisional Branch.

REGISTER OF MEMBERS

A register of members and Officers of the Union and any other records of the Union required to be kept by the Industrial Relations Act and the Regulations made thereunder, pursuant shall be kept at the registered Office of the Union and so far as such records relate to a Divisional Branch at the Office of that Divisional Branch.

RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for by the State Secretary or by the Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the Rules of the Union.

LEVIES

- 11 Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.
- 13.2 The amount of any levy shall be decided by a majority of the State Conference or State Executive and shall not exceed \$50.00 and when so decided shall be binding on all members or sections of members as State Conference or State Executive may decide.
- 13.3 A Divisional Branch may impose a levy on its members.
- 13.4 A levy may be of one specific sum, payable at one specific time, or may be of a weekly, fortnightly or monthly period, payable for a certain specific period.
- 13.5 All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

FUNDS OF THE UNION

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- 14.1 Each Divisional Branch shall pay to the Union on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions in accordance with the State Rules.

Divisional Branch Expenses

Provided that each Divisional Branch is responsible to meet all costs associated with the operation of its Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including State Conference and State Executive unless otherwise decided by the State Conference or by the State Executive.

- 14.2 All moneys received by the Union shall be paid to the credit of the Union on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two of the following persons who are the State Secretary, Assistant Secretary or State President provided that both signatories shall not be Officers from the one Divisional Branch.
- 14.3 All expenditure for ordinary purposes, incurred in directly furthering the objects of the Union or the expense of management, may be disbursed by the decision of the State Secretary and either the State President or an Assistant Secretary provided that both signatories shall not be Officers from the one Divisional Branch.
- 14.4 Expenditure for other purposes authorised by the State Rules may be disbursed by a majority decision of the State Conference or State Executive.
- 14.5 The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union. The funds of the Union shall be invested in the name of the Union. In the case of Divisional Branches, it shall be invested in the name of the Union with the additional words containing the name of the Divisional Branch being added thereto. Where it is not possible to invest the money or funds in such name the investment shall be made in the name of the Trustees appointed under the Divisional Branch Rules. All funds, assets or real property of the Union, vested in the Union Fund shall be under the control of the State Executive, provided consistently with the Union Rules, that any funds, assets or real property held in a Divisional Branch Fund or in relation to which the beneficial use derived to a Divisional Branch Fund, shall be under the control of the Divisional Branch Executive of the Divisional Branch concerned.

The funds of the Union shall be invested in such securities as are permitted by the Laws of Queensland and/or the Commonwealth for the investment of funds by Trustees.

- 14.6 Nothing in this Rule prevents the Union from entering into an agreement with a Trade or Industrial Union or Organisation of Employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Union, as funds of the Union.

15. STATE CONFERENCE

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- 15.1 The supreme governing body of the Union shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years in accordance with these State Rules. The State Conference shall meet not later than 14th March in the year following the elections in the Divisional Branches, and at least every two (2) years thereafter.

- 15.2 The State Conference shall consist of all the members of the Divisional Branch Management Committees.
- 15.3 Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the applicable Divisional Branch.
- 15.4 Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of that Divisional Branch Management Committee entitled to vote. Provided that nothing in this Sub-rule shall prevent proxy voting or multiple voting.
- 15.5 Members of the State Conference shall remain in Office until the election of their successors.
- 15.6 Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialled and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.
- 15.7 Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch to act as proxy in the delegate's stead, providing such appointment is made in writing.
- 15.8 Where a Delegates Divisional Branch Management Committee agrees, a delegate may appoint as a proxy to the State Conference an elected delegate from another Divisional Branch.
- 15.9 A quorum of the State Conference shall be deemed to be a simple majority of the total delegates to State Conference.
- 15.10 The State Conference shall have power, unless any Rule of the Union deprives that State Conference of the power or grants to another body within the Union exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of the Union and to co-ordinate Divisional Branches within Queensland for the care, control and management of the Union.
- 15.11 The function of the State Conference shall be to co-ordinate the Divisional Branches and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:
- (a) perform such functions referred to it by the Divisional Branches;
 - (b) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and on behalf of the Union as a whole;
 - (c) supervise the funds, if any, paid to the Union Fund by the Divisional Branches;
 - (d) subject to the review of its actions by the Divisional Branch Management Committees, settle disputes between the Divisional Branches.
- 15.12 Provided always that State Conference shall not have the power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

- 15.13 Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at a time and place as stipulated by the members in such demand.

16. **STATE EXECUTIVE**

- 16.1 There shall be a State Executive comprised of:-

- (a) the elected State Officers; and
- (b) the full time elected Officers of each Divisional Branch, (other than Organisers except where Union Rules otherwise provide) who are not otherwise a member of the Executive; and
- (c) the President of each Divisional Branch who is not otherwise a member of the State Executive.

- 16.2 Meetings of State Executive shall be held in the manner provided for in Sub-rule 15.13 of the State Rules.

17. **STATE EXECUTIVE - POWERS & DUTIES**

The State Executive shall, unless its actions are overturned by the State Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, state funds, and property of the Union and shall have and may exercise no more and no less than all of the powers of the State Conference and, without limiting the generality of the foregoing may:

- (a) interpret and enforce the general policy of the Union as decided by State Conference;
- (b) control and conduct the business and affairs of the Union while State Conference is not in session;
- (c) appoint the editor of any Union journal and manage and control the policy of such journal;
- (d) hear and decide any appeal from any Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;
- (e) settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected;
- (f) expend such moneys by way of ordinary expenditure as may be necessary;
- (g) submit any matter to the members for decision by ballot;
- (h) ensure that Officers, committee members, delegates or members and Divisional Branches carry out the Rules and decisions of the Union and subject to Rule 22 of these State Rules

impose penalties (i.e. fines not exceeding the sum of one hundred dollars), suspension, expulsion or dismissal from Office, upon any Officers, members, representatives, committee members or delegates for knowingly refusing to comply with the Rules of the Union or the decisions of the State Conference or the State Executive.

Provided that the Rules of the Union, the decisions of State Conference or the State Executive are available to members in the minutes of the State Conference or the State Executive as the case may be at each Divisional Branch Office. No penalty shall be imposed unless -

- (i) the Officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;
- (ii) particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;
- (iii) the Officer, member, representative, committee member or delegate is afforded an opportunity of being present at the hearing and of being heard in the Officer, member, representative, committee member or delegate own defence, including an opportunity to cross-examine and to give and call evidence.

The period of suspension imposed under these Rules shall not exceed six months;

- (i) subject to State Rules relating to the autonomy of Divisional Branches, take such action as may be necessary to secure the satisfactory working of any Divisional Branch in the event of the affairs of that Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 22 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the State Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch;
- (j) control and supervise the work of the State Officers of the Union;
- (k) all decisions of the State Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these State Rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Divisional Branch from which they derive;
- (l) a loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by this Union unless the State Executive has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

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

Subject always to Sub-rule 6.6 of these State Rules and the Rules of the Divisional Branches providing for Donations, Loans and Grants;

- (m) subject to State Rule 33, make, alter and rescind any of the Rules of the Union, and Divisional Branch Rules, provided that any amendment to the Rules of a Divisional Branch shall be effected only with the consent of the Divisional Branch in accordance with the Rules of that Divisional Branch;
- (n) affiliate to any body on behalf of the Union, or, if any Divisional Branch objects to any affiliation to affiliate on behalf of those Divisional Branches which do not so object;
- (o) appoint representatives of the Union to any body;
- (p) to affiliate to the Australian Council of Trade Unions, Queensland Branch, and appoint representatives thereto on the basis of proportional representation of each Divisional Branch.

18. MEMBERS OF STATE EXECUTIVE AND MEMBERS OF STATE CONFERENCE

Members of State Executive and members of State Conference shall attend meetings of those bodies when summoned so to do.

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19. STATE OFFICERS

The State Officers of the Union shall be the State President, the State Secretary, the State Senior Vice President, two State Vice President/s, two State Assistant Secretary/s and such State Officers shall hold Office until their successors are elected.

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20. ELECTION OF STATE OFFICERS

- 20.1 The State Officers, shall be elected by and from the State Conference. The election shall be held pursuant to this Rule. Provided always that each Divisional Branch shall be represented by at least one State Officer.
- 20.2 A State Officer shall hold only one Office referred to in Rule 19 of these Rules at any one time.
- 20.3 A State Officer shall nominate for Office by declaring at State Conference their intention to do so.
- 20.4 In the event that more than 1 State Conference delegate nominates for any Office a ballot of members of State Conference shall be conducted.
- 20.5 The State Conference shall appoint a Returning Officer and two scrutineers who shall not hold any Office in, and not be an employee of, the Union, the Divisional Branch or a Sub-Branch, to conduct all required ballots, including the quadrennial ballot. The State Conference shall appoint only after applications for the position have been called through all Divisional Branches. The appointment shall be made by a majority vote of members of the State Conference at its last meeting prior to the quadrennial ballot.
- 20.6 In the event of only one nomination being received for any Office that candidate shall be



declared elected by the Returning Officer.

20.7

If a ballot is required then:

- (a) the Returning Officer shall be the Returning Officer appointed pursuant to this Rule;
- (b) if any member of State Council has not properly declared themselves as a candidate for the ballot the Returning Officer shall give them the opportunity to do so prior to commencing the Ballot;
- (c) the ballot shall be conducted at the State Conference by the Returning Officer;
- (d) such ballot shall be conducted as a secret ballot;
- (e) each member of State Conference shall be entitled to vote on a proportional representational basis;
- (f) such ballot shall be preferential;
- (g) the Returning Officer shall prepare a ballot paper for each contested Office and in preparing such ballot paper shall place the names in order of the ballot with such order determined by lot;
- (h) a ballot paper shall not be marked in any way such as to identify the member of State Conference voting and the Returning Officer shall not take into account in determining the election any ballot paper so marked. It shall be a matter for the final decision of the Returning Officer as to whether or not any ballot paper is so marked;
- (i) a State Conference member voting in an election for an Office shall place a tick or cross next to the name of the candidate for whom they are casting their vote;
- (j) in the event of an equality of votes being cast for any candidates, which candidates have the greatest number of votes cast, the Returning Officer shall determine the election by lot drawn between the candidates having the equality of votes;
- (k) each candidate may appoint prior to the commencement of the Ballot a scrutineer and shall if making an appointment immediately notify the Returning Officer;
- (l) the scrutineer, if appointed, shall subject to the direction of the Returning Officer be entitled to observe the drawing of names by lot, the counting of the Ballot, the assignment of preferences, and in the case of an equality of votes the drawing of the lot;
- (m) the scrutineer shall not in any way interfere in the process of the election and shall if observing any potential irregularity notify the potential irregularity to the Returning Officer who shall attend to any such potential irregularity in accordance with this Rule.

20.8

The Returning Officer shall forthwith declare at the State Conference the result of any election.

20.9

The Returning Officer shall to the extent necessary for the proper conduct of the Ballot and so as to avoid as far as is practicable any irregularities in the conduct of the ballot, be responsible for interpreting this Rule.

20.10 Provided nothing contained in this Rule prevents the conduct of the election by the Australian Electoral Commission or the Electoral Commission Queensland.

20.11 A candidate elected to Office shall hold that Office from the declaration of the elections by the Returning Officer until the declaration by the Returning Officer at the end of the fourth year following, when the elections for the next term of Office-bearers are declared.

20.12 The term of Office of State Officers of the Union shall be four (4) years.

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21. VACANCIES IN OFFICE - OF STATE OFFICERS

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Where, in accordance with the Rules of the Union, an Officer of a Divisional Branch ceases to hold Office as an Officer of the Divisional Branch, such an Officer shall at the same time cease to hold Office as a State Officer. Provided that the member who replaces such a Divisional Branch Officer in Office in the Divisional Branch shall also fill the vacancy created in the position of State Officer only until such time as the State Officers position can be filled in accordance with the Rules of the Union governing the casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the Rules of the Union governing elections.

22. REMOVAL OF STATE OFFICERS

22.1 Any State Officer may be removed from Office by majority decision of the State Executive, provided that such State Officer shall not be dismissed from Office unless the State Officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold Office.

22.2 Any State Officer so removed from Office shall have the right of appeal to the State Conference. In the event of the appeal being upheld the State Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

22.3 In the event of the re-election of a State Officer removed from office under this Rule, such Officer shall be reimbursed by a payment of monies that represent the difference between such salary the Officer would have received had the Officer not been removed from Office and the amount of salary the Officer received during the period the Officer was removed from Office.

23. STATE PRESIDENT

23.1 A State President shall preside at meetings of State Conference, State Executive and meetings convened by State Conference or State Executive if it is possible for the State President to be present.

23.2 The State President shall have a deliberative vote only.

23.3 The State President shall perform all duties assigned to the State President by the State Conference or State Executive and shall be responsible with the State Secretary for the allocation of duties and responsibilities arising from decisions of the State Conference or the State Executive.

24. STATE VICE PRESIDENT

24.1 The State Vice President shall assist the State President/s in the conduct of meetings and, in the

absence of the State President/s, shall act as State President.

- 24.2 They shall carry out such other duties as shall be determined from time to time by the State Conference or State Executive.

25. **STATE SECRETARY**

- 25.1 The State Secretary shall be responsible for the general correspondence of the Union, State finance, filing of documents, industrial returns and the carrying out of decisions made by State Conference or State Executive.

- 25.2 The State Secretary shall have the power, subject to decisions of the State Executive and/or State Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the State Office and allocate duties and responsibilities within the State Office.

- 25.3 The State Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the State Office, together with a statement of the assets and liabilities of the State Office for the year ending 31st December in each year.

- 25.4 Such financial statement shall be presented to the State Executive for its approval and be published within the journal of the State Union.

- 25.5 The State Secretary shall have the power to deal with the Funds of the Union in accordance with the State Rules and in accordance with State Rule 14.3.

- 25.6 The State Secretary shall carry out such other functions as shall be determined from time to time by the State Conference or State Executive.

26. **STATE ASSISTANT SECRETARIES**

State Assistant Secretaries shall perform all duties assigned to them by State Conference, by State Executive and/or by the State Secretary. They shall attend meetings of State Conference and State Executive.

27. **VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED**

- 27.1 If the State Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule, to a vote of State Conference or State Executive at any time when it is inconvenient to call State Executive or State Conference together, the State Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, in writing, by computer link and/or by any other means of communication.

- 27.2 A copy of such resolution shall, as soon as practicable thereafter, be sent to each Divisional Branch Secretary. The votes on such resolution shall be returnable to the State Secretary at such time as the State Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

- 27.3 Provided that where no record can be kept of the vote and/or decision, such record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

27.4 No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the State Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the State Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the State Secretary.

27.5 The State Secretary shall keep a register of names and addresses of members of the State Executive and delegates to State Conference from the names submitted by the Divisional Branch Returning Officers, and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

27.6 Divisional Branch Secretaries shall within fourteen (14) days of the election of delegates to State Conference and members of the State Executive notify the State Secretary of their names and addresses.

28. REFERENDA

28.1 On receipt of a petition signed by not less than 10% of the financial members of the Union, the State Executive shall take a referendum of the whole of the members of the Union upon a matter or matters submitted by the petition.

28.2 A decision reached by the majority of the actual votes recorded in such a referendum shall be binding on the Union, including the State Conference and the State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Divisional Branch.

28.3 Where a petition has been received pursuant to Sub-rule 28.1 of this Rule the State Conference, the State Executive or the State Officers, shall not, so far as is practicable, until the completion of the referendum, act in relation to the matter the subject of the referendum.

28.4 The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

28.5 The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall:-

- (a) determine the question to be submitted to the members entitled to vote and the form of the ballot paper;
- (b) fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same;
- (c) appoint a State Returning Officer and State Scrutineer to conduct the ballot which will be by way of a secret postal ballot;
- (d) ensure that no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member;
- (e) in all other respects that referendum shall be held as nearly as practicable to the manner provided for the holding of Referenda by a Divisional Branch excepting that the roll of voters shall be the financial membership of the Union at the end of the calendar month

immediately preceding the holding of the referendum; and

- (f) the Returning Officer shall forthwith declare upon the counting of the Ballot the result of the referendum to State Executive.

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29. **AUDIT**

29.1 The State Executive shall appoint an Auditor a competent person who shall each year for the financial year ending 31st December audit the books and accounts of the Union and draw up a correct audit report on same in accordance with the State Legislation.

29.2 The Auditor shall, in the aforesaid report, draw attention to the State Executive to any deficiencies or other matters the Auditor may think proper. The Auditor shall have full and complete access to all books and documents of the Union.

29.3 For the purposes of this Rule a competent person shall have the same meaning as in the Industrial Relations Act 1990 as amended and Regulations pursuant thereto.

30. **ARBITRATION PROCEEDINGS**

In all circumstances where an Industrial Dispute, within the meaning of the Industrial Relations Act 1990 as amended from time to time, exists and where such dispute remains unresolved despite attempts by the Union for its part to genuinely attempt a settlement of the Industrial dispute, then the State Secretary, shall forthwith give notification of the Industrial Dispute in the manner required by the Industrial Relations Act 1990, as amended.

31. **SEAL**

31.1 The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction Forestry, Mining and Energy, Industrial Union of Employees, Queensland".

31.2 The seal shall be affixed to all documents and instruments required to be under seal only on the authority of a resolution of the State Executive. The affixing of the seal shall be attested by the State President and the State Secretary or the State Assistant Secretary or State Vice-President and the State Secretary or State Assistant Secretary. The Seal shall be kept in the custody of the State Secretary.

32. **RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONAL BRANCHES**

These State Rules and all the Rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

33. **ALTERATION OF RULES**

33.1 The Rules of the Union, or any of them, may be altered, rescinded, varied or made by the State Conference and/or State Executive. Proposals for alterations or Rules may be forwarded by Divisional Branches or any member of the State Executive or delegate to the State Conference and shall be forwarded to members and/or delegates with the notice calling the State Conference or State Executive, as the case may be, or so soon thereafter as is practicable. Provided that State Conference or State Executive may, in session, alter Rules of which previous notice has not been



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given.

33.2 Alterations to Rules of the Union may be made, at the discretion of the State Secretary, by postal, telegraphic, facsimile, written and/or any other means of communication as a ballot of State Conference or State Executive. Such a Rule change will have the same effect as a change made in a session of the State Conference or State Executive.

33.3 Provided that no Rule change shall be effected without the approval of a Divisional Branch, by either the State Conference or State Executive, which affects the existence of that Divisional Branch or interferes with its autonomy under these Rules, including the internal structures of a Divisional Branch.

34. DISSOLUTION

34.1 The Union shall not be dissolved unless all of the existing Divisional Branches agree. Provided that a Divisional Branch shall cease to exist wherever the number of financial members of that Divisional Branch is reduced below the numbers provided for in the Rules of a Divisional Branch.

34.2 Where a Divisional Branch ceases to exist and the Union continues, the property of that defunct Divisional Branch shall be vested in the Divisional Branch to which the members of the defunct Divisional Branch are allocated.

34.3 Where the Union is dissolved the property of the Union shall be vested in the Trustees of each existing Divisional Branch at the time of dissolution for the benefit of the members thereof on the basis that each such Divisional Branch will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in the Divisional Branch shall be divided between the existing Divisional Branches on a basis proportionate to the membership of each such Divisional Branch.

35. STANDING ORDERS

35.1 Motions - How Dealt With. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of members present agree to an extension of time.

35.2 Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

35.3 A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

35.4 A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

35.5 Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

- 35.6 All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question. If the votes are equal the question is resolved in the negative.
- 35.7 A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.
- 35.8 Right of Speaker. Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in his/her opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -
- (a) in reply as the mover of the original motion;
 - (b) in explanation or correction of some matter during the debate;
 - (c) upon a point or order raised during the debate;
 - (d) upon a resolution being carried "that he now be heard".
- 35.9 A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by him/her.
- 35.10 No more than two delegates or members shall be allowed to speak for or against in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.
- 35.11 Any delegate or member speaking shall at once resume his/her seat:-
- (a) if the chairperson rises to speak; or
 - (b) if a point of order is raised,
- and shall not resume his speech until the point of order is decided.
- 35.12 No delegate or member may speak to any question after it has been put by the chairperson or during the taking of the vote.
- Reports
- 35.13 A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of State Conference or State Executive thereon. If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of State Conference or State Executive on the matter.
- 35.14 A motion for the adjournment of State Conference or State Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to



the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

35.15 When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

35.16 The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

35.17 It shall be competent by a majority vote of the delegates or members present for State Conference or State Executive to suspend the order of business.

35.18 State Conference or State Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The Rules governing the business of State Conference or State Executive shall be observed when in Committee.

35.19 If a member who is entitled to vote at any election held under these Rules or any other Rules of the Union will be absent from his/her usual address during a ballot such member may apply to the Returning Office for a ballot paper to be sent to him/her at an address which he/she nominates.

35.20 Manner of Summoning Meetings

The State Executive, or a Divisional Branch/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a Union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

36. TRANSITIONAL RULE

36.1 In this Rule the following words and phrases have the meaning assigned hereunder:

ASCJBPPDAUEQ - The Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australia, Union of Employees, Queensland

FEDFA - The Federated Engine Drivers' and Firemens' Association of Australasia, Union of Employees, Queensland

QCEUE - The Queensland Colliery Employees Union of Employees

OPDU - The Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees

ASCJB&P - The Amalgamated Society of Carpenters, Joiners, Bricklayers, and Plasterers, Union of Employees, Queensland

Amalgamation Day - The date fixed by the Industrial Relations Commission as the date on which the amalgamation between the ASCJBPPDAUEQ, the FEDFA and the QCEUE takes effect, or in the event of the amalgamation between the ASCJBPPDAUEQ, the FEDFA, and the QCEUE not occurring but an amalgamation in the alternative between the ASCJBPPDAUEQ and the FEDFA or the ASCJBPPDAUEQ and the QCEUE occurring, then the date the Industrial Relations Commission fixes as the date on which that alternative amalgamation takes effect.

Principal Amalgamation - The amalgamation of the ASCJBPPDAUEQ, the FEDFA and the QCEUE.

Alternative Amalgamation the ASCJBPPDAUEQ and the FEDFA - The amalgamation that occurs in the alternative between the ASCJBPPDAUEQ and the FEDFA.

Alternative Amalgamation the ASCJBPPDAUEQ and the QCEUE - The amalgamation that occurs in the alternative between the ASCJBPPDAUEQ and the QCEUE.

Joint State Secretary, Joint State President, Joint Assistant State Secretaries, Joint State Vice-Presidents -

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Where these transitional Rules provide for the joint holding of any Office in the Union or in the Divisional Branches a singular reference in the Rules of the Union to a holder of an Office where ever it appears shall be taken for the purposes of implementing the Rule as a reference to each joint holder of that Office.

36.2 Notwithstanding anything else in these Rules, the provisions of this Rule shall apply from amalgamation day, to the date that persons elected pursuant to the declaration of elections in 1996 held in accordance with the Union Rules, take office on the 2nd of January, 1997, and such Officers holding office pursuant to this Rule shall hold office subject to this Rule and the Rules of the Union until the 2nd of January, 1997 provided that the provisions of this Rule shall continue to operate until a sufficient number of Officers, members of State Executive, members of State Conference, members of the Divisional Branch Management Committee, Divisional

Branch Board of Management, Divisional Branch Executives and Divisional Branch Officers as will enable the Officers, the State Executive, the State Conference, the Divisional Branch Management Committee, the Divisional Branch Board of Management and Divisional Branch Executives to perform the functions conferred on them by the Union Rules, have been declared elected at those elections, and have taken office.

- 36.3 Except as is otherwise provided for in this Rule, this Rule may be altered by resolution of the State Executive or the State Conference provided that of the votes cast 2/3 of the total vote are cast in favour of any such alteration.

36.A1 PRINCIPAL AMALGAMATION

In the event that the principal amalgamation is approved by a ballot of the members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE then Rules 36.3B and 36.3C shall not apply.

36.A2 STATE EXECUTIVE

On amalgamation day the State Executive shall be as set out hereunder:

Joint State Secretary	Wallace Trohear
Joint State Secretary	Greg Betts
Joint State President	Andrew Vickers
Joint State President	Des Holloway
Joint State President	Peter Stone
Joint State Vice President	John Guinnane
Joint State Vice President	Kevin Andersen
Joint State Vice President	Peter Neilson
Joint State Assistant Secretary	Gary Howcroft
Joint State Assistant Secretary	Geoff Wilson
Joint State Assistant Secretary	Paul Waters

- 36.A3 There shall be a State Conference as referred to in State Rule 15, which shall meet in accordance with these Rules annually and commencing in 1995.

- 36.A4 Each Divisional Branch shall be entitled to delegates to State Conference in accordance with State Rule 15.

- 36.A5 On amalgamation day the members of the State Conference shall be as set out hereunder:

- (a) the State Executive as provided for in Sub-rule 36.A2 of this Rule;
- (b) Mining & Energy Divisional Branch Board of Management members:

HALL, G.
KUNST, R.
BARRON, R.
LATIFI, H.
O'BRIEN, M.
CLARK, R.
BUTLER, B.
READIE, J.
MORLEY, R.


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FECHNER, R.
 CURRIE, M.
 LAMBLEY, J.
 BARKER, R.
 BEST, R.
 COLEMAN, R.
 CONWAY, P.
 NESBIT, J.
 HEUMILLER, P.
 BLOXSOM, D.
 STAKER, R.

- (c) Queensland Construction & General Divisional Branch Management Committee members:

POUTNEY, Allan
 HALL, Brian
 BOSTOCK, Robert
 RICHARDSON, Trevor
 GRUER, John
 SCOTT, Alex
 TUCKER, Brian
 PEARSON, Frank
 MARCUS, Kim
 HORN, Geoffrey
 VAN DER HORST, Rudy
 HOPTON, Ben
 DOUGLAS, Selwyn
 WILSON, Lawrie
 SCHUBER, Brian
 HAYES, Rodney
 SPENCER, James
 RAMPTON, Noel
 CURREN, Bill
 GENRIC, Laurie
 BEATTIE, Russell
 PRICE, Chris
 ROSIER, Terry



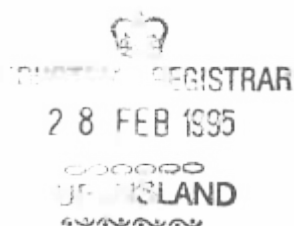
- 36.A6 There shall be a Divisional Branch Committee of Management and a Divisional Branch Board of Management as provided for in Rules respectively of the Queensland Construction and General Divisional Branch Board of Management and the Mining and Energy Divisional Branch Committee of Management.
- 36.A7 Such Branch Divisional Committee of Management and Divisional Branch Board of Management shall meet as provided by these Rules.
- 36.A8 On amalgamation day the Divisional Branch Board of Management and Divisional Branch Committee of Management shall be as set out hereunder:
- (a) Mining & Energy Divisional Branch Board of Management members:

President (Trustee)	VICKERS, A.
Secretary (Trustee)	NEILSON, P.
Assistant Secretary (Trustee)	BETTS, G.
Vice President (Trustee)	LAMBLEY, J.
Vice President	BARKER, R.
Vice President	HEUMILLER, P.
Vice President	BLOXSOM, D.
Vice President	STAKER, R.
	HALL, G.
	KUNST, R.
	BARRON, R.
	LATIFI, H.
	O'BRIEN, M.
	CLARK, R.
	BUTLER, B.
	READIE, J.
	MORLEY, R.
	FECHNER, R.
	CURRIE, M.
	BEST, R.
	COLEMAN, R.
	CONWAY, P.
	NESBIT, J.
	HOLLOWAY, D.

(b) Queensland Construction & General Divisional Branch Committee of Management members:

Positions:

Divisional Branch Secretary	TROHEAR, Wallace
Divisional Branch Assistant Secretary	HOWCROFT, Gary
Divisional Branch Assistant Secretary	WATERS, Paul
Divisional Branch Assistant Secretary (Trustee)	WILSON, Geoff
	POUTNEY, Allan
Divisional Branch President (Trustee)	STONE, Peter
	HALL, Brian
(Trustee)	BOSTOCK, Robert
(Trustee)	RICHARDSON, Trevor
	GRUER, John
	SCOTT, Alex
	TUCKER, Brian
	PEARSON, Frank
	MARCUS, Kim
Divisional Branch Vice-President	ANDERSEN, Kevin
	HORN, Geoffrey
(Trustee)	VAN DER HORST, Rudy
	HOPTON, Ben



Divisional Branch Vice-President

GUINNANE, John
DOUGLAS, Selwyn
WILSON, Lawrie
SCHUBER, Brian
HAYES, Rodney
SPENCER, James
RAMPTON, Noel
CURREN, Bill
GENRIC, Laurie
BEATTIE, Russell
PRICE, Chris
ROSIER, Terry



- 36.A9 Each person who was immediately before amalgamation day a financial member of the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall be on amalgamation day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the ASCJBPPDAUEQ, the FEDFA and the QCEUE and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall remain unfinancial until the member becomes financial in accordance with the Rules of the Union.
- 36.A10 Members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE not allocated or assigned to Divisional Branches on the day preceding amalgamation day shall be attached on amalgamation day, as follows:-
- (a) ASCJBPPDAUEQ - all members of the ASCJBPPDAUEQ shall be attached to the Construction & General Divisional Branch;
 - (b) FEDFA - all members usually engaged in the Industries of Mining and Processing of mine products, the electricity generation and supply industry to the Mining and Energy Divisional Branch;
 - (c) FEDFA - all members not engaged pursuant to Sub-rule (b) of this Rule to the Construction and General Divisional Branch;
 - (d) QCEUE - all members of the QCEUE shall be attached to the Mining & Energy Divisional Branch.
- Provided that State Conference may allocate members other than those referred to in Sub-rule (b) and (d) of this Rule to the Mining and General Divisional Branch.
- 36.A11 Life members of the ASCJBPPDAUEQ, the FEDFA and of the QCEUE who were Life Members of the said Industrial Organisations on the day preceding amalgamation day shall become Life Members of the Union and shall continue to hold such Life Membership and have such rights and obligations as are provided for by the Rules of the Union.
- 36.A12 Honorary members of the ASCJBPPDAUEQ, the FEDFA and of the QCEUE who were Honorary Members of the said Industrial Organisations on the day preceding amalgamation day shall become Honorary Members of the Union and shall continue to hold such Honorary Membership and have such rights and obligations as are provided for by the Rules of the Union.
- 36.A13 A member of the Union who, on the day preceding amalgamation day was a duly appointed,

credentialled or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall continue in that capacity on behalf of the Union, subject to the Rules of the Union.

36.A14 Any Sub-Branches, Lodges, District Committees, Regional Committees of Stewards, Regional Committees of Workplace Representatives, howsoever called established pursuant to the Rules of the ASCJBPPDAUEQ, the FEDFA and the QCEUE and in existence on the day preceding amalgamation day shall on amalgamation day be Sub-Branches, Lodges, District Committees, Regional Committees of Stewards or Regional Committees of Workplace Representatives of the Union and shall continue subject to the Rules of the Union.

36.A15 The Auditor of the State Office of the Union shall on amalgamation day be the auditor who on the day prior to amalgamation day was the auditor appointed to audit the ASCJBPPDAUEQ and the auditor in respect of the Divisional Branches shall in respect of each Divisional Branch be the auditor who on the day prior to amalgamation day was appointed as auditor of the ASCJBPPDAUEQ in respect of the Queensland Construction and General Divisional Branch and the QCEUE in respect of the Mining & Energy Divisional Branch.

36.A16 All property and other assets of the ASCJBPPDAUEQ, the FEDFA and the QCEUE held respectively by the Industrial Organisations on the day preceding amalgamation day shall become the property and other assets of the Union on amalgamation day. Provided that on amalgamation day there shall in accordance with the Rules of the Union be a Union Fund and a fund of each Divisional Branch and provided that all funds, assets or real property held respectively in the Union Fund of the ASCJBPPDAUEQ, the FEDFA, or the QCEUE and any funds, assets or real property the beneficial use of which derived respectively to the Union Fund of the ASCJBPPDAUEQ, the FEDFA, or the QCEUE on the day prior to amalgamation day, shall on amalgamation day be attributed to the use and benefit of the Fund of the Divisional Branches on a basis that accords with the allocation of the membership of the ASCJBPPDAUEQ, the FEDFA and the QCEUE from the ASCJBPPDAUEQ, the FEDFA and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation.

36.A17 The liabilities of the ASCJBPPDAUEQ, the FEDFA and the QCEUE owed respectively by the Industrial Organisations on the day preceding amalgamation day shall become the liabilities of the Union on amalgamation day. Provided that any liabilities of the ASCJBPPDAUEQ, the FEDFA and the QCEUE which existed on the day preceding amalgamation day, shall on amalgamation day be a first charge upon the Divisional Branch Fund of each Divisional Branch in a proportion which accords with the allocation of the membership of the ASCJBPPDAUEQ, the FEDFA and the QCEUE from the ASCJBPPDAUEQ, the FEDFA and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation and only in circumstances of a Divisional Branch being unable to discharge such liability from its Divisional Branch Fund, shall such liability be discharged from the Union Fund.

36.A18 Any affiliation to a state or national organisation by the ASCJBPPDAUEQ, the FEDFA or the QCEUE shall be maintained by the Union subject to the Rules of the Union.

36.A19 If on amalgamation day a person named in this Rule is not available for any reason to hold an Office referred to in this Rule or has declined to hold an Office referred to in this Rule then the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management is empowered to fill the vacancy by an appointment made from members allocated to the Divisional Branch to which the vacancy applies or if no Divisional Branch is relevant then the State Executive is empowered to fill the vacancy by an appointment made from members of the Union.

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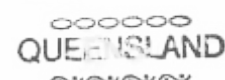
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- 36.A20 Subject to Sub-rule A19 of this Rule and to the Rules of the Union, in the event of a casual vacancy occurring in the Offices referred to in Sub-rules 36.A2, 36.A5 and 36.A.8 of this Rule the vacancy shall be filled by an appointment made by the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management as the case may be from members allocated to that Divisional Branch to which the vacancy applies, and if there is no relevant Divisional Branch then by the State Executive from members of the Union.
- 36.A21 Elections shall be held in 1996 for all Offices and representative bodies in the Union and its Divisional Branches, with Office bearers and representatives to take Office on and from the 2nd of January, 1997.
- 36.A22 The annual subscription fees to be paid by members of the Union subsequent to amalgamation day shall be:-
- (a) for members who were members of the ASCJBPPDAUEQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
 - (b) for members who were members of the FEDFA on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
 - (c) for members who were members of the QCEUE on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.
- 36.A23 For entrants to the Union who were not members of the ASCJBPPDAUEQ, the FEDFA or the QCEUE on the day prior to amalgamation day:
- (a) for new members of the Mining & Energy Divisional Branch an amount equivalent to the level of fees of members of the QCEUE on the day prior to amalgamation day;
 - (b) for new members of the Queensland Construction & General Divisional Branch an amount equivalent to the level of fees of members of the ASCJBPPDAUEQ on the day prior to amalgamation day.
- Provided always that the Respective Divisional Branch Executives of the Union shall be able to determine the scales of subscription fees in relation to their Divisional Branch in accordance with their Divisional Branch Rules.
- 36.A24 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Management Committee shall consist of all former members of the State Management Committees of the ASCJBPP&D and all former members of the State Management Committee of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-
- | | |
|---------------------|--------|
| those from Rule 4.1 | 56%; |
| those from Rule 4.2 | 13.2%; |
| those from Rule 4.3 | 30.8%. |
- 36.A25 Where a member of the Queensland Construction & General Divisional Branch Management Committee resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A17. The members vote shall be adjusted

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 A circular stamp with the text "QUEENSLAND" in the center, surrounded by a decorative border.

to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.A24 of this Rule.

- 36.A26 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Executive shall consist of all former members of the State Executive of the ASCJBPP&D and all former members of the State Executive of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-

those from Rule 4.1	56%;
those from Rule 4.2	13.2%;
those from Rule 4.3	30.8%.

- 36.A27 Where a member of the Queensland Construction & General Divisional Branch Executive resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A19. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.A26 of this Rule.

- 36.A28 The members forming the joint State Executive of the FEDFA and the QCEUE in the industries of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Executive of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Executive until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Executive then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

- 36.A29 The members forming the joint State Board of Management of the FEDFA and the QCEUE in the industries of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Board of Management of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Board of Management until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Board of Management then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

- 36.B1 ALTERNATIVE AMALGAMATION - the ASCJBPPDAUEQ & the FEDFA

In the event that the principal amalgamation is not approved by a ballot of the members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE but the alternative amalgamation between the ASCJBPPDAUEQ and the FEDFA is approved by the ballot of the members of the ASCJBPPDAUEQ and the FEDFA then Rules 36.A1 and 36.C1 shall not apply and in lieu thereof the following shall apply:

- 36.B2 On amalgamation day the State Executive shall be as set out hereunder:

Joint State Secretary

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Joint State Secretary	Greg Betts
Joint State President	Des Holloway
Joint State President	Peter Stone
Joint State Vice President	John Guinnane
Joint State Vice President	Kevin Andersen
Joint State Assistant Secretary	Gary Howcroft
Joint State Assistant Secretary	Geoff Wilson
Joint State Assistant Secretary	Paul Waters

36.B3 There shall be a State Conference as referred to in the State Rules, which shall meet in accordance with the State Rules annually and commencing in 1995.

36.B4 Each Divisional Branch shall be entitled to delegates in accordance with State Rule 15.

36.B5 On amalgamation day the members of the State Conference shall be as set out hereunder:

(a) the State Executive as provided for in Sub-rule 36.B2 of this Rule;

(b) Mining & Energy Divisional Branch Board of Management members:

BEST, R.
COLEMAN, R.
CONWAY, P.
NESBIT, J.
HEUMILLER, P.
BLOXSOM, D.
STAKER, R.

(c) Queensland Construction & General Divisional Branch Management Committee Members:

POUTNEY, Allan
HALL, Brian
BOSTOCK, Robert
RICHARDSON, Trevor
GRUER, John
SCOTT, Alex
TUCKER, Brian
PEARSON, Frank
MARCUS, Kim
HORN, Geoffrey
VAN DER HORST, Rudy
HOPTON, Ben
DOUGLAS, Selwyn
WILSON, Lawrie
SCHUBER, Brian
HAYES, Rodney
SPENCER, James
RAMPTON, Noel
CURREN, Bill
GENRIC, Laurie
BEATTIE, Russell


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PRICE, Chris
ROSIER, Terry

- 36.B6 There shall be a Divisional Branch Committee of Management and Divisional Branch Board of Management as provided for in these Rules respectively for the Queensland Construction and General Divisional Branch and the Mining and Energy Divisional Branch.
- 36.B7 Such Branch Divisional Committee of Management and Divisional Branch Board of Management shall meet as provided by these Rules.
- 36.B8 On amalgamation day the Divisional Branch Board of Management and the Divisional Branch Committee of Management of the Mining and Energy Divisional Branch and the Queensland Construction and General Divisional Branch respectively shall be as set out hereunder:

(a) Mining & Energy Divisional Board of Management members:

Positions:

President	HOLLOWAY, D.
Secretary	BETTS, G.
Vice-President	HEUMILLER, P.
Vice-President	BLOXSOM, D.
Vice-President	STAKER, R.
Union Inspector	BEST, R.
	COLEMAN, R.
	CONWAY, P.
	NESBIT, J.

(b) Queensland Construction & General Divisional Branch Committee of Management members:

Positions:

Divisional Branch Secretary	TROHEAR, Wallace
Divisional Branch Assistant Secretary	HOWCROFT, Gary
Divisional Branch Assistant Secretary	WATERS, Paul
Divisional Branch Assistant Secretary (Trustee)	WILSON, Geoff
	POUTNEY, Allan
Divisional Branch President (Trustee)	STONE, Peter
(Trustee)	HALL, Brian
(Trustee)	BOSTOCK, Robert
	RICHARDSON, Trevor
	GRUER, John
	SCOTT, Alex
	TUCKER, Brian
	PEARSON, Frank
	MARCUS, Kim
Divisional Branch President	ANDERSEN, Kevin



(Trustee) HORN, Geoffrey
 VAN DER HORST, Rudy
 HOPTON, Ben
 Divisional Branch Vice-President GUINNANE, John
 DOUGLAS, Selwyn
 WILSON, Lawrie
 SCHUBER, Brian
 HAYES, Rodney
 SPENCER, James
 RAMPTON, Noel
 CURREN, Bill
 GENRIC, Laurie
 BEATTIE, Russell
 PRICE, Chris
 ROSIER, Terry



36.B9 Each person who was immediately before amalgamation day a financial member of the ASCJBPPDAUEQ and the FEDFA shall be on amalgamation day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the ASCJBPPDAUEQ and the FEDFA and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the ASCJBPPDAUEQ and the FEDFA shall remain unfinancial until the member becomes financial in accordance with the Union Rules.

36.B10 Members of the ASCJBPPDAUEQ and FEDFA not allocated or assigned to Divisional Branches on the day preceding amalgamation day shall be attached on amalgamation day, as follows:-

- | | | | |
|-----|--------------|--------------|---|
| (a) | ASCJBPPDAUEQ | Construction | - The Unions Queensland Construction and General Divisional Branch; |
| (b) | FEDFA | Construction | - The Unions Queensland Construction and General Divisional Branch; |
| (c) | FEDFA | General | - The Unions Queensland Construction and General Divisional Branch; |
| (d) | FEDFA | Mining | - The Unions Mining & Energy Divisional Branch; |
| (e) | FEDFA | Energy | - The Unions Mining & Energy Divisional Branch. |

Provided the State Conference may allocate members other than those referred to in Sub-rule (d) and (e) of this Rule to the Mining and Energy Divisional Branch.

36.B11 Life members of the ASCJBPPDAUEQ and of the FEDFA who were Life Members of the said Industrial Organisations on the day preceding amalgamation day shall become Life Members of the Union and shall continue to hold such Life Membership and have such rights and obligations as are provided for by the Union Rules.

36.B12 Honorary members of the ASCJBPPDAUEQ and of the FEDFA who were Honorary Members of the said Industrial Organisations on the day preceding amalgamation day shall become

Honorary Members of the Union and shall continue to hold such Honorary Membership and have such rights and obligations as are provided for by the Union Rules.

- 36.B13 A member of the Union who, on the day preceding amalgamation day was a duly appointed, credentialed or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the ASCJBPPDAUEQ or the FEDFA shall continue in that capacity on behalf of the Union, subject to the Union Rules.
- 36.B14 Any Sub-Branches, Lodges, Shop Committees, District Committees or Regional Committees of Workplace Representatives, howsoever called established pursuant to the Rules of the ASCJBPPDAUEQ, or the FEDFA and in existence on the day preceding amalgamation day shall on amalgamation day be, Sub-Branches, Lodges, Shop Committees, Regional Committees of Stewards or Regional Committees of Workplace Representatives howsoever called of the Union.
- 36.B15 The Auditor of the State Office of the Union shall on amalgamation day be the auditor who on the day prior to amalgamation day was the auditor appointed to audit the ASCJBPPDAUEQ and the auditor in respect of the Divisional Branches shall in respect of each Divisional Branch be the auditor who on the day prior to amalgamation day was appointed as auditor of the ASCJBPPDAUEQ in respect of the Queensland Construction & General Divisional Branch and the FEDFA in respect of the Mining & Energy Divisional Branch.
- 36.B16 All property and other assets of the ASCJBPPDAUEQ and the FEDFA held respectively by the Industrial Organisations on the day preceding amalgamation day shall become the property and other assets of the Union on amalgamation day. Provided that on amalgamation day there shall in accordance with the Rules of the Union be a Union Fund and a fund of each Divisional Branch and provided that all funds, assets or real property held respectively in the Union Fund of the ASCJBPPDAUEQ or the FEDFA and any funds, assets or real property the beneficial use of which derived respectively to the Union Fund of the ASCJBPPDAUEQ or the FEDFA on the day prior to amalgamation day, shall on amalgamation day be attributed to the use and benefit of the Fund of the Divisional Branches on a basis that accords with the allocation of the membership of the ASCJBPPDAUEQ and the FEDFA from the ASCJBPPDAUEQ and the FEDFA to the Divisional Branches of the amalgamated Industrial Organisation.
- 36.B17 The liabilities of the ASCJBPPDAUEQ and the FEDFA owed respectively by the Industrial Organisations on the day preceding amalgamation day shall become the liabilities of the Union on amalgamation day. Provided that any liabilities of the ASCJBPPDAUEQ and the FEDFA which existed on the day preceding amalgamation day, shall on amalgamation day be a first charge upon the Divisional Branch Fund of each Divisional Branch in a proportion which accords with the allocation of the membership of the ASCJBPPDAUEQ and the FEDFA from the ASCJBPPDAUEQ and the FEDFA to the Divisional Branches of the amalgamated Industrial Organisation and only in circumstances of a Divisional Branch being unable to discharge such liability from its Divisional Branch Fund, shall such liability be discharged from the Union Fund.
- 36.B18 Any affiliation to a state or national organisation by the ASCJBPPDAUEQ or the FEDFA shall be maintained by the Union subject to the Union Rules.
- 36.B19 If on amalgamation day a person named in this Rule is not available for any reason to hold an Office referred to in these Rules or has declined to hold an Office referred to in these Rules then the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management as the case may be is empowered to fill the vacancy by an appointment made from members allocated to the Divisional Branch to which the vacancy applies or if no Divisional Branch is relevant then the State Executive is empowered to fill the vacancy by an appointment

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made from members of the Union.

- 36.B20 Subject to Sub-rule 36.B19 of this Rule and to the Rules of the Union and of the Divisional Branches, in the event of a casual vacancy occurring in the Offices referred to in Sub-rules 36.B2, 36.B5, 36.B8 of this Rule the vacancy shall be filled by an appointment made by the relevant Divisional Branch Committee of Management from members allocated to that Divisional Branch to which the vacancy applies, and if there is no relevant Divisional Branch then by the State Executive from members of the Union.
- 36.B21 Elections shall be held in 1996 for all Offices and representative bodies in the Union and its Divisional Branches, with Office bearers and representatives to take Office on and from the 2nd of January, 1997.
- 36.B22 The annual subscription fees to be paid by members of the Union subsequent to amalgamation day shall be:-
- (a) for members who were members of the ASCJBPPDAUEQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
 - (b) for members who were members of the FEDFA on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.
- 36.B23 For entrants to the Union who were not members of the ASCJBPPDAUEQ or the FEDFA on the day prior to amalgamation day:
- (a) for new members of the Mining & Energy Division branch Committee members an amount equivalent to the level of fees of members of the FEDFA on the day prior to amalgamation day;
 - (b) for new members of the Construction & General Divisional Branch an amount equivalent to the level of fees of members of the ASCJBPPDAUEQ on the day prior to amalgamation day.

Provided always that the Respective Divisional Branch Executives of the Union shall be able to determine the scales of subscription fees in accordance with their Divisional Branch Rules hereof.

- 36.B24 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Management Committee shall consist of all former members of the State Management Committees of the ASCJBPP&D and all former members of the State Management Committee of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-

those from Rule 4.1	56%;
those from Rule 4.2	13.2%;
those from Rule 4.3	30.8%.

- 36.B25 Where a member of the Queensland Construction & General Divisional Branch Management Committee resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A17. The members vote shall be adjusted

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to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.B24 of this Rule.

- 36.B26 Until 2nd January 1997, the Queensland Construction and General Divisional Branch Executive shall consist of all former members of the State Executive of the ASCJBPP&D and all former members of the State Executive of the FEDFA covered by the eligibility of the Queensland Construction and General Divisional Branch. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as follows:-

those from Rule 4.1	56%;
those from Rule 4.2	13.2%;
those from Rule 4.3	30.8%.

- 36.B27 Where a member of the Queensland Construction & General Divisional Branch Executive resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A19. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.A26 of this Rule.

- 36.B28 The members of the FEDFA on the Joint State Executive of the FEDFA and the QCEUE in the industry of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Executive of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Executive until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Executive then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

- 36.B29 The members of the FEDFA on the Joint Divisional Board of Management of the FEDFA and the QCEUE in the industry of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Board of Management of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Board of Management until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Board of Management then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

- 36.C1 ALTERNATIVE AMALGAMATION - ASCJBPPDAUEQ and the QCEUE

In the event that the principal amalgamation is not approved by ballot of the members of the ASCJBPPDAUEQ, the FEDFA and the QCEUE but the alternative amalgamation between the ASCJBPPDAUEQ and the QCEUE is approved by ballot of the members of the ASCJBPPDAUEQ and the QCEUE then Rules 36.A1 and 36.B1 hereof shall not apply and in lieu thereof the following shall apply:

- 36.C2 On amalgamation day the State Executive shall be as set out hereunder:

Joint State Secretary

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Joint State Secretary	Peter Neilson
Joint State President	Peter Stone
Joint State President	Andrew Vickers
Joint State Vice President	John Guinnane
Joint State Vice President	Kevin Andersen
Joint State Assistant Secretary	Gary Howcroft
Joint State Assistant Secretary	Paul Waters

36.C3 There shall be a State Conference as referred to in the State Rules, which shall meet in accordance with the State Rules annually and commencing in 1995.

36.C4 Each Divisional Branch shall be entitled to delegates in accordance with Rule 15.

36.C5 On amalgamation day the members of the State Conference shall be as set out hereunder:

- (a) the State Executive as provided for in this Sub-rule 36.C2 of this Rule; and
- (b) Mining & Energy Division Branch Board of Management members:

Positions:

Vice-President	J. Lambley
Vice-President	R. Barker
	G. Hall
	R. Kunst
	R. Barron
	H. Latifi
	M. O'Brien
	R. Clark
	B. Butler
	J. Readie
	R. Morley
	R. Fechner
	M. Currie

- (c) Queensland Construction & General Divisional Branch Management Committee members:

Positions:

	POUTNEY, Allan
	HALL, Brian
(Trustee)	BOSTOCK, Robert
(Trustee)	RICHARDSON, Trevor
	GRUER, John
	SCOTT, Alex
	TUCKER, Brian
	PEARSON, Frank
	MARCUS, Kim
	HORN, Geoffrey
(Trustee)	VAN DER HORST, Rudy
	HOPTON, Ben



SCHUBER, Brian
ROSIER, Terry

- 36.C6 There shall be a Divisional Branch Committee of Management and a Divisional Branch Board of Management as provided for in these Rules respectively for the Queensland Construction and General Divisional Branch and the Mining and Energy Divisional Branch.
- 36.C7 Such Branch Divisional Committee of Management and Divisional Branch Board of Management shall meet as provided by these Rules.
- 36.C8 On amalgamation day the Divisional Branch Board of Management and the Divisional Branch Committee of Management of the Mining and Energy Divisional Branch and the Queensland Construction and General Divisional Branch respectively shall be as set out hereunder:

(a) Mining & Energy Divisional Branch Board of Management members:

Positions:

President (Trustee)	A. Vickers
Secretary (Trustee)	P. Neilson
Vice-President (Trustee)	J. Lambley
Vice-President (Trustee)	R. Barker
	G. Hall
	R. Kunst
	R. Barron
	H. Latifi
	M. O'Brien
	R. Clark
	B. Butler
	J. Readie
	R. Morley
	R. Fechner
	M. Currie

(b) Queensland Construction & General Divisional Branch Committee of Management members:

Positions:

Joint State Secretary	TROHEAR, Wallace
Joint State Secretary	NEILSON, Peter
Joint State President	STONE, Peter
Joint State President	VICKERS, Andrew
Joint State Vice President	GUINNANE, John
Joint State Vice President	ANDERSEN, Kevin
Joint State Assistant Secretary	HOWCROFT, Gary
Joint State Assistant Secretary	WATERS, Paul
	POUTNEY, Allan
	HALL, Brian
(Trustee)	BOSTOCK, Robert
(Trustee)	RICHARDSON, Trevor
	GRUER, John


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(Trustee)

SCOTT, Alex  
 TUCKER, Brian  
 PEARSON, Frank  
 MARCUS, Kim  
 HORN, Geoffrey  
 VAN DER HORST, Rudy  
 HOPTON, Ben  
 SCHUBER, Brian  
 ROSIER, Terry



36.C9 Each person who was immediately before amalgamation day a financial member of the ASCJBPPDAUEQ and the QCEUE shall be on amalgamation day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the ASCJBPPDAUEQ and the QCEUE and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding amalgamation day an unfinancial member of the ASCJBPPDAUEQ and the QCEUE shall remain unfinancial until the member becomes financial in accordance with the Union Rules.

36.C10 Members of the ASCJBPPDAUEQ and the QCEUE not allocated or assigned to Divisional Branches on the day preceding amalgamation day shall be attached on amalgamation day, as follows:-

- |     |              |              |                                                                     |
|-----|--------------|--------------|---------------------------------------------------------------------|
| (a) | ASCJBPPDAUEQ | Construction | - The Unions Queensland Construction and General Divisional Branch; |
| (b) | QCEUE        | Mining       | - The Unions Mining & Energy Divisional Branch.                     |

Provided that State Conference may allocate members other than those referred to in Sub-rule (b) of this Rule to the Mining and Energy Divisional Branch.

36.C11 Life members of the ASCJBPPDAUEQ and of the QCEUE who were Life Members of the said Industrial Organisations on the day preceding amalgamation day shall become Life Members of the Union and shall continue to hold such Life Membership and have such rights and obligations as are provided for by the Union Rules.

36.C12 Honorary members of the ASCJBPPDAUEQ and of the QCEUE who were Honorary Members of the said Industrial Organisations on the day preceding amalgamation day shall become Honorary Members of the Union and shall continue to hold such Honorary Membership and have such rights and obligations as are provided for by the Union Rules.

36.C13 A member of the Union who, on the day preceding amalgamation day was a duly appointed, credentialled or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the ASCJBPPDAUEQ or the QCEUE shall continue in that capacity on behalf of the Union, subject to the Union Rules.

36.C14 Any Sub-Branche, Lodges, Shop Committees, District Committees, Regional Committees of Workplace Representatives, howsoever called established pursuant to the Rules of the ASCJBPPDAUEQ, or the QCEUE and in existence on the day preceding amalgamation day shall

on amalgamation day be, Sub-Branches, Lodges, Shop Committees, Regional Committees of Stewards or Regional Committees of Workplace Representatives, howsoever called, of the Union.

- 36.C15 The Auditor of the State Office of the Union shall on amalgamation day be the auditor who on the day prior to amalgamation day was the auditor appointed to audit the ASCJBPPDAUEQ and the auditor in respect of the Divisional Branches shall in respect of each Divisional Branch be the auditor who on the day prior to amalgamation day was as appointed auditor of the ASCJBPPDAUEQ in respect of the Queensland Construction & General Divisional Branch and the QCEUE in respect of the Mining & Energy Divisional Branch.
- 36.C16 All property and other assets of the ASCJBPPDAUEQ and the QCEUE held respectively by the Industrial Organisations on the day preceding amalgamation day shall become the property and other assets of the Union on amalgamation day. Provided that on amalgamation day there shall in accordance with the Rules of the Union be a Union Fund and a fund of each Divisional Branch and provided that all funds, assets or real property held respectively in the Union Fund of the ASCJBPPDAUEQ or the QCEUE and any funds, assets or real property the beneficial use of which derived respectively to the Union Fund of the ASCJBPPDAUEQ or the QCEUE on the day prior to amalgamation day, shall on amalgamation day be attributed to the use and benefit of the Fund of the Divisional Branches on a basis that accords with the allocation of the membership of the ASCJBPPDAUEQ and the QCEUE from the ASCJBPPDAUEQ and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation.
- 36.C17 The liabilities of the ASCJBPPDAUEQ and the QCEUE owed respectively by the Industrial Organisations on the day preceding amalgamation day shall become the liabilities of the Union on amalgamation day. Provided that any liabilities of the ASCJBPPDAUEQ and the QCEUE which existed on the day preceding amalgamation day, shall on amalgamation day be a first charge upon the Divisional Branch Fund of each Divisional Branch in a proportion which accords with the allocation of the membership of the ASCJBPPDAUEQ and the QCEUE from the ASCJBPPDAUEQ and the QCEUE to the Divisional Branches of the amalgamated Industrial Organisation and only in circumstances of a Divisional Branch being unable to discharge such liability from its Divisional Branch Fund, shall such liability be discharged from the Union Fund.
- C18 Any affiliation to a state or national organisation by the ASCJBPPDAUEQ or the QCEUE shall be maintained by the Union subject to the Union Rules.
- 36.C19 If on amalgamation day a person named in this Rule is not available for any reason to hold an Office referred to in this Rule or has declined to hold an Office referred to in this Rule then the relevant Divisional Branch Committee of Management or Divisional Branch Board of Management as the case may be is empowered to fill the vacancy by an appointment made from members allocated to the Divisional Branch to which the vacancy applies or if no Divisional Branch is relevant then the State Executive is empowered to fill the vacancy by an appointment made from members of the Union.
- 36.C20 Subject to Sub-rule 36.C19 of this Rule and to the Rules of the Union and of the Divisional Branches, in the event of a casual vacancy occurring in the Offices referred to in Sub-rules 36.C2, 36.C5 and 36.C8 of this Rule the vacancy shall be filled by an appointment made by the relevant Divisional Branch Committee of Management from members allocated to that Divisional Branch to which the vacancy applies, and if there is no relevant Divisional Branch then by the State Executive from members of the Union.
- 36.C21 Elections shall be held in 1996 for all Offices and representative bodies in the Union and its



Divisional Branches, with Office bearers and representatives to take Office on and from the 2nd of January, 1997.

36.C22

The annual subscription fees to be paid by members of the Union subsequent to amalgamation day shall be:-

- (a) for members who were members of the ASCJBPPDAUEQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day;
- (b) for members who were members of the QCEUE on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.

36.C23

For entrants to the Union who were not members of the ASCJBPPDAUEQ or the QCEUE on the day prior to amalgamation day:

- (a) for new members of the Mining & Energy Division branch Committee members an amount equivalent to the level of fees of members of QCEUE on the day prior to amalgamation day;
- (b) for new members of the Construction & General Divisional Branch an amount equivalent to the level of fees of members of ASCJBPPDAUEQ on the day prior to amalgamation day.

Provided always that the Respective Divisional Branch Executives of the Union shall be able to determine the scales of subscription fees in accordance with Divisional Branch Rules.

36.C24

Until 2nd January 1997, the Queensland Construction and General Divisional Branch Management Committee shall consist of all former members of the State Management Committee of the ASCJBPP&D. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as was exercised on amalgamation day between the former ASCJB&P and the OPDU.

36.C25

Where a member of the Queensland Construction & General Divisional Branch Management Committee resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A17, excepting that it shall not be necessary to have representation from members whose eligibility is covered by State Rule 4.3. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.C24 of this Rule.

36.C26

Until 2nd January 1997, the Queensland Construction and General Divisional Branch Executive shall consist of all former members of the State Executive of the ASCJBPP&D. Each member shall in respect of the constitutional group to which their eligibility relates, continue to exercise a vote on a percentage basis as was exercised on amalgamation day between the ASCJB&P and the OPDU.

36.C27

Where a member of the Queensland Construction & General Divisional Branch Executive resigns before the 2nd January 1997, the position shall only be filled to maintain the representation provided for in Divisional Branch Rule A19, excepting that it shall not be necessary to have representation from members whose eligibility is covered by State Rule 4.3. The members vote shall be adjusted to maintain the percentage in relation to each constitutional group as is provided for in Sub-rule 36.C26 of this Rule.



- 36.C28 The members of the QCEUE on the Joint State Executive of the FEDFA and the QCEUE in the industry of Mining and Energy on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Executive of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Executive until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Executive then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.
- 36.C29 The members of the QCEUE on the Joint State Board of Management of the FEDFA and the QCEUE on the day prior to amalgamation day shall on amalgamation day be the members of the Divisional Branch Board of Management of the Mining & Energy Divisional Branch and shall remain as members of that Divisional Branch Board of Management until the 2nd of January, 1997, provided in the event of a casual vacancy occurring on the Divisional Branch Board of Management then such position shall be filled pursuant to the Rules of the Mining & Energy Divisional Branch, whether by way of appointment or ballot, by a member whose eligibility for membership pursuant to State Rule 4 reflects the eligibility for membership of the member being replaced and such replacement shall hold office until the 2nd of January, 1997.

### **QUEENSLAND CONSTRUCTION AND GENERAL DIVISIONAL BRANCH RULES**

#### **A1. NAME**

The name of this Divisional Branch of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland shall be "The Queensland Construction and General Divisional Branch" (hereinafter in these Divisional Branch Rules referred to as the Divisional Branch).

#### **A2. Office**

A2.1 The Office of the Divisional Branch shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed.

A2.2 This Office shall be the place of meeting for the purposes of conducting the business of the Divisional Branch except where the Divisional Branch Management Committee directs otherwise.

#### **A3. APPLICATION FOR MEMBERSHIP**

A3.1 Application for membership of the Divisional Branch shall be in writing signed by the applicant on the form determined by the Divisional Branch Management Committee.

A3.2 All applications for membership shall be lodged together with the amount of Entrance Fee with the Divisional Branch Secretary or the Sub-Branch Secretary, or such other person authorised by the Divisional Branch Management Committee. Applications for membership shall be dealt with by the Sub-Branch Committee or the Divisional Branch Management Committee, who shall, if satisfied that the applicant qualifies in terms of the Divisional Branch Rules, admit the applicant to membership of the Divisional Branch as from the date of the receipt of the applicant's application form by the Sub-Branch Secretary, or other duly authorised person.

A3.3 A candidate for membership of the Divisional Branch shall be admitted if the candidate is a

person who:-

- (a) by the nature of the candidate's occupation or employment engages in a calling that is a registered calling of the Union that relates to the Construction & General Divisional Branch; and
- (b) has the qualifications required by the eligibility rules of the Union that relate to the Construction & General Divisional Branch; and
- (c) is not of general bad character.

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- A3.4 A new member shall pay on application for membership, or before the expiration of one month from the date the application is received by the Sub-Branch Secretary or authorised person, the required Entrance Fee, and six months contributions.
- A3.5 Candidates for membership when admitted to membership shall enjoy all advantages of membership for as long as the person complies with the Rules of the Union.
- A3.6 Applicants shall, if possible, attend the next meeting of the Sub-Branch to which the applicant makes application or to which they are assigned. Failure to attend shall not necessarily exempt the candidate from election to membership.
- A3.7 Applicants for admission to the Union and members entering the Union on clearance, shall join the Sub-Branch nearest to which they reside.
- A3.8 All members shall be supplied with a copy of the Divisional Branch Rules free of charge on request.
- A3.9 All applicants for membership shall be informed 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 Divisional Branch.

A4. **ENTRANCE FEE**

- A4.1 The entrance fee shall be such sum, as the Divisional Branch Management Committee may decide, but not more than the equivalent of three (3) months dues contributions.

A5. **CONTRIBUTIONS**

- A5.1 The payment of membership contributions shall be half-yearly and shall not exceed one and one half per centum (1 1/2%) of the National Building Construction Industry Award rate for a carpenter multiplied by twenty-six (26).
- A5.2 The rate of contributions shall be determined by the State Executive on August 30th and February 28th of each year and shall apply for the following half-yearly period commencing 1st April and the 1st October respectively and shall be payable in advance.
- A5.3 The sum of 25c of each half-yearly contribution or such amount as may be determined by the Divisional Branch Management Committee, shall be used to produce Divisional Branch



publications, including "Building Worker" and to distribute such publications to financial members of the Divisional Branch.

A5.4 Sub-Branch committees may grant exemption from contributions to members who have been unemployed for more than thirteen (13) weeks during any half year. Application for exemption must be made in writing to the Sub-Branch Secretary with proof of unemployment being submitted.

A5.5 All members over 65 years of age who have had 25 years' continuous membership in the Divisional Branch, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying one payment only, in advance, of \$5 or such amount as may be determined by the Divisional Branch Management Committee, for which they shall be entitled to receive the Divisional Branch Journal only, provided that this does not apply to members who are over 50 years of age when joining the Divisional Branch. Members wishing to be placed under this Rule shall make application to their Sub-Branch Secretary.

A5.6 An applicant joining the Divisional Branch during the currency of any half-year shall be credited in the subsequent half-year for such period of the half-year as had elapsed before the applicant joined. Such credit shall be calculated on a monthly basis.

#### A6. FINANCIAL MEMBERSHIP

A6.1 Any member who fails to pay all subscriptions, contributions, fines, levies, joining fees in accordance with the Rules of the Union and in accordance with the Rules of the Divisional Branch in advance on or before the half years ending 31 March and 30 September for the ensuing six months shall be deemed unfinancial.

A6.2 Notwithstanding the foregoing, any member, having made application to join and paid the joining fee, having commenced on a pay roll deduction scheme in excess of twenty-six (26) weeks and who was subsequently financial on the last day of the previous term shall be deemed to be a financial member whilst such deductions are continued.

#### A7. RESIGNATION OF MEMBERS

A7.1 A financial member may terminate membership of the Divisional Branch by written notice addressed and delivered to the Divisional Branch Secretary.

A7.2 Notification of such resignation shall be taken as duly given if:-

- (a) it is left at the registered Office of the Divisional Branch; or
- (b) it is addressed to the Divisional Branch, or any Officer thereof, and sent by post to the Office of the Divisional Branch.

A7.3 If a financial member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the Union and/or the Divisional Branch in accordance with the Divisional Branch Rules.

A7.4 Termination of membership by resignation does not affect the liability of the member or former member to pay such fees or levies as may have been owing at the date of resignation, and such

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moneys may be sued for and recovered in the name of the Union or the Divisional Branch.

A8. **TRANSFER OF MEMBERS**

The Divisional Branch Management Committee shall have the power, at the request of a member, to order the transfer of any member from any Sub-Branch to any other Sub-Branch in the Divisional Branch, when, in the opinion of the Divisional Branch Management Committee such transfer is necessary to enable the member concerned to participate properly in the affairs of the Divisional Branch.

A9. **DUTIES OF MEMBERS**

A9.1 No member shall call on or write to any Sub-Branch Secretary at the works where he/she is employed.

A9.2 Members shall belong to the Sub-Branch that meets nearest to their place of residence.

A9.3 Members changing their residence shall inform the Sub-Branch Secretary in writing within three months of such change of address.

A9.4 A member, being aware of the death of any other member, shall notify the Divisional Branch Secretary of the Divisional Branch to which the deceased member belonged.

A10. **MISCONDUCT OF MEMBERS**

A10.1 Subject to Divisional Branch Rule A25, any member knowingly violating any registered Rule of the Union or the Divisional Branch may be fined a sum not exceeding \$4 by the Sub-Branch. Should, however, the matter be referred to the Divisional Branch Management Committee, they shall have the power to fine the member an amount not exceeding \$10, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

A10.2 Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer of that meeting may be fined a sum not exceeding \$2 and should the member persist, the Presiding Officer of that meeting shall have power to call on the members to expel that member from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

A10.3 It shall be competent for the Divisional Branch Management Committee to inflict a fine not exceeding \$10, suspend from benefit for a period not exceeding three years, or expel from the Divisional Branch a member upon satisfactory proof that such member has refused to comply with its decision.

A10.4 Charges under the Divisional Branch Rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or Divisional Branch Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or Divisional Branch Executive, or Divisional Branch Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to the members last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 160 kilometres from Brisbane, not less than ten days before the date of such meeting.

A10.5 At the appointed time and place the charge shall be investigated either by the Sub-Branch or Divisional Branch Executive or Divisional Branch Management Committee, whether or not the member shall be in attendance. The decision of the Sub-Branch or Divisional Branch Executive shall be binding on the member, subject to the right of appeal to the Divisional Branch Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Divisional Branch Rules for the conduct of the business of the Divisional Branch or Sub-Branch.

A10.6 A member may, if the member desires, make their answer to the charges in writing.

A10.7 Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the Divisional Branch Management Committee provided that the maximum fine that may be imposed shall not exceed \$10.

A10.8 Any member, members, or persons who by false representation or imposition, obtain possession of money, securities, books, papers or other effects of the Union or having same in their possession withhold or mis-apply them shall render themselves liable to be summonsed before a Court of summary jurisdiction.

A10.9 Any member or Officer who is fined for any offence under the Divisional Branch Rules shall pay the fine on or before the date of the meeting of their Sub-Branch immediately following the imposition of the fine. Should the fine not be paid it shall at once be added to the member's dues by the Sub-Branch Secretary, and shall be deducted from any money paid by the member as contributions or may be recovered by legal process.

#### A11. APPEALS OF MEMBERS AND SUB-BRANCHES AND DIVISIONAL BRANCH MANAGEMENT COMMITTEE

A11.1 Any member finding themselves aggrieved against the actions or decisions of the Officers or members of the Divisional Branch may, in the case of any grievance, appeal to their Sub-Branch for redress, and, if still aggrieved, they may further appeal to the Divisional Branch Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

A11.2 Neither a member appealing nor the Officer or the body appealed against shall furnish any other evidence to the Divisional Branch Management Committee than that heard in the original appeal. Such evidence shall be submitted in writing to the Sub-Branch before forwarding to the Divisional Branch Management Committee. The members of the Divisional Branch Management Committee shall give reasons when deciding appeals.

A11.3 The Divisional Branch Management Committee shall not consider any appeal for assistance pursuant to Rule A40 from any member whose total dues to the Union amount to twelve months' contributions or more.

A11.4 All provisions of this Rule shall apply also to next of kin claiming on account of deceased members.

#### A12. CONTROL AND SUSPENSION OF MEMBERS

A12.1 The Divisional Branch Management Committee shall exercise general control over the members and shall have, subject to the Union Rules and the Divisional Branch Rules, power to fine, expel

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