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 the member from membership or suspend the member from benefit for a period of not more than six months for such an offence.

11.2 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.

11.3 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.

11.4 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 the 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 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.

11.5 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 State 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 these Rules for the conduct of the business of the Union or Sub-Branch.

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

11.7 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.

11.8 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.

11.9 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 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.

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

12.1 Any member finding themself aggrieved against the actions or decisions of the Officers or members of the Union may, in the case of any grievance, appeal to their Sub-Branch for redress, and, if still aggrieved, they 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.

12.2 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.

12.3 The State Management Committee shall not consider any appeal for assistance pursuant to Rule 41 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

13. **CONTROL AND SUSPENSION OF MEMBERS**

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

13.2 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.

13.3 A fine imposed under this Rule shall not exceed $10, nor shall any suspension from benefit exceed a period of three years.

14. **REGISTER OF MEMBERS & OFFICERS**

14.1 A register of members and all Officers of the Union shall be kept in the Union Office.

14.2 The register shall be arranged according to sub-branches

14.3 A financial member of the Union may at all reasonable times inspect the books, membership records, documents and other property of the Union.

15. **RECOVERY OF ARREARS:**

15.1 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 State Secretary shall take the necessary steps for the recovery of such arrears.

15.2 The State Secretary 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.

15.3 The State Secretary 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.

16. PROPERTY & FUNDS OF THE UNION

16.1 For the purpose of carrying out all or any of the objects of the Union, there shall be a fund of the Union and the Union 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 Union Fund for its use and benefit pursuant to the Rules of the Union.

16.2 Without limiting the generality of Union Sub-rule 16.1 the Union Fund shall consist of:-

(a) any real or personal property of which the Union 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 Union;

(c) any interest, rents, dividends or other income derived from the investment of the state fund;

(d) any superannuation or long service leave fund operated or controlled by the Union 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 Union 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.

17. BANKING AND EXPENDITURE OF FUNDS

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

17.2 The name of any such banking account shall include the words "Construction, Forestry, Mining & Energy Union of Employees, Queensland".

17.3 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.

18. STATE MANAGEMENT COMMITTEE

18.1 On and from 2 January, 2001, the State Management Committee of the Union shall consist of sixteen (16) members, including the State President (Honorary), State Secretary and two (2) State Assistant Secretaries. One of the State Assistant Secretaries shall be elected by and from those members who are eligible for membership of the Union, by virtue of Sub-rule 2.1 and one of the State Assistant Secretaries shall be elected by and from those members who are eligible for membership of the Union, by virtue of Sub-rule 2.2 or 2.5. The State President (Honorary) and the State Secretary shall be elected by and from all members of the Union who are eligible to nominate and vote. There shall be thirteen (13) members on the State Management Committee who shall be elected by and from the three 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 2.1;

(ii) two (2) from those eligible for membership by virtue of Rule 2.2;

(iii) one (1) from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, Union Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.3 The State Management Committee shall elect from its members three (3) State Vice Presidents.

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

18.5 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 Union Secretary signed by six (6) members of the State Management Committee.

18.6 The State Management Committee shall from time to time set down a scale of payments and/or honorariums as the case may be for Union Secretary, Union Assistant Secretaries, Union Trustees, Officials, Organisers, Union President, Union Vice-Presidents, members of the Management Committee, Union Returning Officers and Deputy Returning Officers, and Scrutineers.

19. STATE MANAGEMENT COMMITTEE FINANCE

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

19.2 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 the Union Rules and the State Management Committee shall annually in the month of December, or such other time as the Union Committee may decide, reimburse this Sub-Branch account as required by the Sub-Branch to restore the account to the original sum.

19.3 The State 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 State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in the absence of the State Secretary the Acting State Secretary). No donation exceeding $200 shall be made without the approval of the State Executive.

19.4 The financial year of the Union shall be the 12 month period ending the 31st of December or such other period as the State Management Committee decide.

20. STATE EXECUTIVE

20.1 The State Management Committee shall elect from its members an executive of eight (8) members including the State President, State Secretary and two (2) State Assistant Secretaries and four (4) members, two (2) of whom are eligible for membership pursuant to Rule 2.1, one of whom is eligible for membership pursuant to Rule 2.2 and one of whom is eligible for membership pursuant to Rule 2.5.

20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.

21. DUTIES OF THE STATE PRESIDENT

21.1 The State President shall preside at all meetings of the State Management Committee, State Delegates or Special Conventions 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.

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

21.3 The State President shall conduct the business in accordance with the standing orders and Rules of debate provided for in these Rules.

21.4 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.

22. DUTIES OF STATE SECRETARY

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22.1 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.

22.2 The State Secretary shall be the Chief Executive Officer of the Union and shall conduct and manage the affairs of the Union, subject to these Rules, between meetings of the State Executive.

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

22.4 The State Secretary shall be the registered State 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 State Management Committee has jurisdiction unless these Rules otherwise provide.

22.5 The State Secretary shall keep a correct record of the members in the Union 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.

22.6 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 Act and amendments thereof.

22.7 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 22.10.

22.8 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.

22.9 The State Secretary shall attend to court, legal, industrial matters and/or other matters or other hearings before any Industrial Commission, Tribunal, Board and/or Court or any other such body.

22.10 The State Secretary shall keep all books and documents necessary to a proper working of the Office and of the State 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 State Management Committee the State Management Committee shall publish same to the members and then lodge it with the Registrar.

22.11 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 of the existence or likelihood of industrial disputes.

22.12 Should the State Secretary fail to carry out the State Secretary's duties to the satisfaction

of the State Management Committee the State Secretary may be dealt with by such committee in the manner prescribed in Rule 26.

22.13 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 26. 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 the State Secretary's successor in Office they shall be audited.

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

23. DUTIES OF ASSISTANT SECRETARIES

23.1 There shall be two (2) Assistant State Secretaries, one of each who shall come from the classes of membership described in Sub-rules 2.1 and 2.2.

23.2 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 21 and one shall act as the Acting State Secretary in the absence of the State Secretary as directed by the State Management Committee. Such Assistant State Secretary shall be subject to Union Rules 22.13 and 26.

23.3 An Assistant State Secretary shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee.

24. TRUSTEES

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

25. ORGANISERS

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25.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of organisers to be elected. They shall also determine the area of the State in which organisers shall reside and operate, and may if income is sufficient appoint additional organisers.

25.2 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 Union as directed by the State Management Committee.

25.3 Union 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 State Management Committee.

25.4 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.

26. REMOVAL OF OFFICERS

26.1 Any Officer of the Union being charged, in accordance with the Rules of the Union with 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.

26.2 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.

26.3 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.

26.4 Should the Officer be found guilty and there be no appeal within the prescribed time, and/or the Officer's appeal be rejected, the 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 28.

27. SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments and/or honorariums as the case may be 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.

28. ELECTION OF STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.3 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry of the Union 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.

28.2 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.

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

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28.4 The term of Office for the above positions shall be four years.

28.5 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.

28.6 All Sub-Branches shall be notified by circular of the opening and closing date of nominations.

28.7 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 Union Office and a receipt thereupon obtained.

28.8 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.

28.9 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.

28.10 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.

28.11 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 State Executive and candidates by submitting a Returning Officer's report to the State Secretary.

28.12 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.

28.13 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.

28.14 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.

28.15 Where a ballot is required, the State 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 State Rules to the Returning Officer.

28.16 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 State Secretary, and that envelope shall contain only the following documents:

(a) 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;

(b) an empty unsealed pre-paid post envelope addressed to the Returning Officer, C/- the numbered mail box referred to in this Rule;

(c) 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;

(d) the candidates statement provided for and in accordance with these Rules.

28.17 For the purposes of the election, the books of the Union shall be deemed to have closed as of the 31st August in the year of election.

28.18 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.

28.19 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 these Rules.

28.20 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.

28.21 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 Union, the Returning Officer shall cause the lock to be changed.

28.22 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.

28.23 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 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.

28.24 Any candidate at the candidates own expense, may appoint a financial member of the Union 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.

28.25 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.

28.26 The counting of the ballot shall be completed not later than the 1st day of December following the ballot.

28.27 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.

28.28 The Returning Officer shall declare the successful candidates elected and notify the State

Executive of the result of the ballot and the State Executive shall issue instructions for the publication of same in their minutes and in the Union 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 State.

28.29 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.

28.30 The successful candidates shall remain elected until their successors take up Office.

28.31 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.

28.32 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.

28.33 Should a casual 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 secret postal ballot of State Management Committee members.

28.34 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.

28.35 "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.

28.36 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.

28.37 Candidates for an election in the Union shall be provided with equal opportunity to express their views to members of the Union in a statement that is:

(a) provided to each member of the Union with the election ballot papers; and

(b) published on a single A4 sheet of paper, printed on one or both sides in a way which is clearly readable and which includes the candidates name and such other details as may be decided by the candidate; and

(c) the cost of the publication is met by the Union.

29. ELECTIONS FROM MANAGEMENT COMMITTEE

29.1 In any election from the State Management Committee the procedures set out in this Rule shall be observed.

29.2 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 State Trustees at the meeting 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.

29.3 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.

29.4 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.

29.5 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.

29.6 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 State Management Committee or

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candidate.

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

29.8 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.

29.9 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.

29.10 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.

29.11 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, the provisions of this Rule shall apply with any necessary modifications.

29.12 Where the State Executive decides not to convene a meeting for the purposes of filling a casual vacancy, a secret postal ballot of all members of the State Management Committee shall be held.

29.13 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.

29.14 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.

29.15 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.

29.16 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 the candidates behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

29.17 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.

29.18 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.

29.19 Scrutineers shall, as far as practicable, be present at all stages of the ballot.

29.20 They shall obey any directions given to them by the Returning Officer.

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

30. RETURNING OFFICER AND SCRUTINEERS

30.1 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 Union or a Sub-Branch, to conduct all required ballots, including the quadrennial ballot. The State Management Committee shall appoint only 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.

30.2 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.

30.3 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.

31. 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, delegates to such specially summonsed meetings 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 27.

32. STATE DELEGATES CONVENTION:

32.1 The State Management Committee shall convene at regular intervals of not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegates 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.

32.2 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.

32.3 A member nominating as a delegate to the State Delegates Convention must be financial in accordance with these Rules at the time nominations are called.

32.4 Items for the agenda of the State Delegates Convention shall be called for at least three months before the Convention assembles, and be in the hands of delegates to the Convention at least seven days before the Convention commences.

32.5 The State Delegates Convention may recommend to the State Management Committee proposals for Rule and policy changes.

33. ELECTION OF DELEGATES

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

34. SUB-BRANCHES

34.1 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.

34.2 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 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 in accordance with the Rules of the Union.

34.3 In no case shall any Sub-Branch close or disband without the authority of the State Management Committee in which case all funds or other assets and property shall be handed over to the State Management Committee.

34.4 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.

34.5 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.

34.6 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 Rule 9 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.

34.7 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 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.

34.8 Interpretation of Rules

Should any Rules of the Union 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.

34.9 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.

34.10 Correspondence Confidential

All communications or copies of correspondence from the State Management Committee shall remain the property of the Union 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 State Management Committee.

34.11 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 State Management Committee.

34.12 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.

34.13 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 State Management Committee any amount not exceeding ten dollars ($10).

34.14 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.

34.15 Audit

The books of each Sub-Branch shall be sent each half-year to the Union Office for audit in accordance with Rule 39 in a manner similar to audit of Union finances.

34.16 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.

34.17 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.

34.18 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.

34.19 By Laws

Sub-Branch by-laws may be registered under the Act. 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.

34.20 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.

34.21 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 State Management Committee when requested to do so by the State Secretary under these 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 Union Rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

34.22 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 Union 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 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.

(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 State 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 Union 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 Union Secretary shall forthwith notify all Sub-Branch members thereof. The

Sub-Branch Secretary shall supply all details to the Union 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 Union for conduct of the business of the Sub-Branch.

34.23 Suspended Members

Members who owe one year's arrears of contributions shall be suspended. The State 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.

34.24 Clearances and Transfers

(a) The Sub-Branch Secretary shall accept all clearances (that are permitted) from other Unions or from 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 37 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 Union Office.

34.25 Pay Benefits

The Sub-Branch Secretary shall pay all benefits according to Rule 27 and may be made to refund all expenditure that is made contrary to the provisions of these Rules.

34.26 Resignation or Removal

(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 State 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 State 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 34.13.

34.27 Vice-President

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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.

34.28 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.

34.29 Sub-Branch Finances

(a) The funds of each Sub-Branch shall be banked as provided in these 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 these Rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

34.30 Sub-Branch Committee

In every Sub-Branch there shall be a committee elected in accordance with Sub-rule 34.12 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 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 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.

34.31 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.

34.32 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 or the Sub-Branch 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.

34.33 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.

34.34 Election of Sub-Branch Officers

(a) 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.

(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 Union Secretary.

(g) 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.

(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 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.

(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.

34.35 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 Sub-rule 34.35 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 Sub-rule 34.35 or a direction given under paragraph (b) of Sub-rule 34.35, 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 Sub-rule 34.35), 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 the Returning Officers 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.

35. **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 to the Divisional Management Committee, 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.

36. **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 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 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.

37. **SHOP STEWARDS**

37.1 For the convenience of members, shop or job stewards may be appointed by Sub-Branches within the area under their control.

37.2 Should any shop or job steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties for the Union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss the Shop or Job Steward may incur.

38. **APPRENTICES**

38.1 An apprentice making application to join the Union shall pay dues for the remaining period of their indenture at the rate equivalent to the joining fee for the Union per half-year. No additional joining fee shall be payable by apprentices.

38.2 Thereafter, upon completion of apprenticeship the apprentice shall transfer to full membership and payment of full Union dues, levies, etc. as determined from time to time by the State Management Committee.

39. **AUDIT OF ACCOUNTS**

39.1 The 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 State Executive in accordance with the provisions of the Act and shall be paid such fees as the State Executive may from time to time determine.

39.2 The Auditor shall audit the books and financial statements of the State Executive at the end of each financial year and at such other times as the State Executive shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the State 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 Union funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.

39.3 The Auditor shall furnish a written statement that all accounts and statements certified to are in accordance with law and these Rules, or, if unable to certify to the correctness of any of them, report forthwith to the State Executive in which respect they are incorrect.

39.4 The Auditor shall have power to place before the State Executive any suggestions concerning the financial affairs of the Union.

39.5 In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the State Executive shall appoint an Auditor qualified as aforesaid as a replacement.

39.6 The accounts of Sub-Branches shall be audited half-yearly in the manner provided in Sub-rule 34.15.

39.7 The financial year of the Union shall be the period ending 31st of December.

40. 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 Union Office for audit.

41. DONATIONS/LOANS

41.1 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of these Rules.

41.2 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 State Management Committee. It may be used for such payments assisting the Unions trade or any other trade.

41.3 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.

41.4 Requests for donations for purposes 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.

41.5 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.

41.6 Notwithstanding anything contained elsewhere in these Rules a loan, grant or donation of any amount exceeding $1,000.00 shall not be made by the Union, unless the State Executive has satisfied itself:-

(a) that the making of the loan, grant or donation would be in accordance with the other 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.

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42. **INTERPRETATION OF RULES**

The State Management Committee shall interpret all Rules of the Union requiring interpretation.

43. **AFFILIATION**

The State 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 Union voting. Such affiliation shall not interfere with the personal rights of the member's political code.

44. **DISPUTES WITH MANAGEMENT**

In the event of a dispute arising, no official of the Union shall interview the management with whom the Union is in dispute unless accompanied by at least one member actively concerned in the dispute.

45. **ALTERATION OF RULES**

45.1 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 7 days notice to alter Union Rules has been given by the State Executive to the State Management Committee.

45.2 Provided that the State Management Committee may alter Union Rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.

45.3 Provided further that alterations to Union 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.

46. **DISSOLUTION**

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.

47. **BALLOTS/PLEBISCITES - CONTROL OF BRANCH COUNCIL AND BRANCH EXECUTIVE BY MEMBER OF THE BRANCH**

47.1 (a) The State Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Union direct the conduct of a plebiscite of the financial members of the Union on a matter concerning the Union.

(b) The State Management Committee or State Executive may direct the conduct of the plebiscite of the financial members of the Union on a matter concerning the Union.

(c) A plebiscite shall be conducted by secret ballot by a Returning Officer in accordance with Sub-rule 47.2 and shall be completed, in the case of a plebiscite under paragraph (a) within 2 months of the receipt by the State 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 State Management Committee or State 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 Union voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the State Management Committee or State Executive shall, so far as is practicable, implement the decision of the plebiscite.

47.2 (a) Where a request is received under paragraph (a) of Sub-rule 47.1 or a direction given under paragraph (b) of Sub-rule 47.1, the State 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 State Management Committee or the State Executive and (where the plebiscite is held following a request pursuant to paragraph (b) of Sub-rule 47.1), 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 Union, 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.

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(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 State 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.

47.3 Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

48. COMMON SEAL AND MODE OF EXECUTION OF DOCUMENTS

48.1 The Union shall have a common seal which shall be kept in the custody of the State Secretary and shall be affixed to documents acquiring sealing only when authorised by resolution of the State Management Committee.

48.2 Any document to which the seal is affixed shall be signed by 2 members of the State Management Committee one of whom shall be the State President.

48.3 Industrial agreements and other documents may be executed by or on behalf of the Union by affixing the seal of the Union thereto.

48.4 Documents not required to be under seal of the Union may be executed on behalf of the Union by the State Secretary and any such document so executed shall be and be deemed to be executed on behalf of the Union and with its authority.

49. STANDING ORDERS AND RULES OF DEBATE

49.1 Call to Speak - the first speaker who attracts the attention of the President shall have precedence in speaking.

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

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

49.4 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.

49.5 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.

49.6 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.

49.7 Speak only once - except in explanation, no member, other than the mover, shall speak more than once on the same motion.

49.8 Time Limit - no member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

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

49.10 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.

49.11 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.

49.12 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.

49.13 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.

49.14 Motion to Adjourn - no motion for the adjournment of the meeting shall be received while there is business before the President.

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49.15 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.".

49.16 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".

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

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

49.19 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.

50. MERGER RULE

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

Amalgamation Day - The date fixed by the Industrial Relations Commission as the date on which the amalgamation between the ASCJBPPDAUEQ and the FFTS took effect.

Merger Day - The date on which the merger between the Construction and General Divisional Branch and the Furnishing Industrial Divisional Branch takes effect.

50.2 Notwithstanding anything else in these Rules, the provisions of this Rule shall apply from merger day to the date that persons elected pursuant to the declaration of elections in 2000 held in accordance with these Rules, take office on the 2nd of January, 2001, 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, 2001 provided that the provisions of this Rule shall continue to operate until a sufficient number of Officers, members of State Executive and members of the State Management Committee as will enable the Officers, the State Executive and the State Management Committee to perform the functions conferred on them by these Rules, have been declared elected at those elections, and have taken office.

50.3 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 provided that of the votes cast 2/3 of the total vote are cast in favour of any such alteration.

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

State President	P. Stone
State Secretary	W. Trohear
Assistant Secretary	G. Howcroft
Assistant Secretary	P. Waters
member	R. Bostock
member	R. Beattie
member	B. Daniel
member	G. Williams

50.5 On merger day the members of the State Management Committee shall be as set out hereunder:

(a) the State Executive as provided for in Sub-rule 49.4 of this Rule;

(b) the members of the Construction and General Divisional Branch State Management Committee as constituted on the day immediately preceding merger day;

(c) the members of the Furnishing Industrial Divisional Branch Committee of Management as constituted on the day immediately preceding merger day.

50.6 Each member of State Management Committee shall, on and from the day following merger day and until the 2nd January, 2001, exercise a vote on the State Management Committee on the following basis:

(a) each member of the State Management Committee who is eligible for membership of the Union by virtue of Rule 2.1 shall exercise a vote equal to the percentage of financial members of the Union who are eligible for membership by virtue of Rule 2.1 divided by the number of members of the State Management Committee who are eligible for membership by virtue of Rule 2.1 and who are entitled to vote on State Management Committee;

(b) each member of the State Management Committee who is eligible for membership of the Union by virtue of Rule 2.2 shall exercise a vote equal to the percentage of financial members of the Union who are eligible for membership by virtue of Rule 2.2 divided by the number of members of the State Management Committee who are eligible for membership by virtue of Rule 2.2 and who are entitled to vote on State Management Committee;

(c) each member of the State Management Committee who is eligible for membership of the Union by virtue of Rule 2.5 shall exercise a vote equal to the percentage of financial members of the Union who are eligible for membership by virtue of Rule 2.5 divided by the number of members of the State Management Committee who are eligible for membership by virtue of Rule 2.5 and who are entitled to vote on State Management Committee.

50.7 Nothing in Sub-rule 49.6 shall prevent proxy voting or multiple voting.

50.8 There shall be a State Delegates Convention in accordance with Rule 32 and the first State Delegates Convention following merger day shall be held in 2000.

50.9 Each person who was immediately before merger day a financial member of the Construction and General Divisional Branch or the Furnishing Divisional Branch shall be on merger day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the Construction and General Divisional Branch or the Furnishing Divisional Branch and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding merger day an unfinancial member of the Construction and General Divisional Branch or the Furnishing Divisional Branch shall remain unfinancial until the member becomes financial in accordance with the Rules of the Union.

50.10 A member of the Union who, on the day preceding merger day was a duly appointed, credentialled or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the Construction and General Divisional Branch or the Furnishing Divisional Branch shall continue in that capacity on behalf of the Union, subject to the Rules of the Union.

50.11 Any Sub-Branches, Lodges, District Committees, Regional Committees of Stewards, Regional Committees of Workplace Representatives, howsoever called, established pursuant to the Rules of the Construction and General Divisional Branch or the Furnishing Divisional Branch and in existence on the day preceding merger day shall on merger 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.

50.12 All property and other assets of the Construction and General Divisional Branch or the Furnishing Divisional Branch held respectively by the Construction and General Divisional Branch or the Furnishing Divisional Branch on the day preceding merger day shall be held by the Union on merger day. Provided that on merger day there shall in accordance with the Rules of the Union be a Union Fund and all funds, assets or real property held respectively in the Divisional Branch Fund of the Construction and General Divisional Branch or the Furnishing Divisional Branch and any funds, assets or real property the beneficial use of which derived respectively to the Divisional Branch Fund of the Construction and General Divisional Branch or the Furnishing Divisional Branch on the day prior to merger day, shall on merger day be attributed to the use and benefit of the Union Fund.

50.13 The liabilities of the Construction and General Divisional Branch owed by the Construction and General Divisional Branch on the day preceding amalgamation day shall become the liabilities of the Union on merger day.

50.14 The liabilities of the Furnishing Industrial Divisional Branch owed by the Furnishing Industrial Divisional Branch on the day preceding amalgamation day shall become the liabilities of the Union on merger day, excepting any liabilities of the Furnishing Industrial Divisional Branch which existed on the day preceding merger day in relation to monies owed to the FFTS Division of the Construction, Forestry, Mining and Energy

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Union in respect of the period prior to the 1st April, 1998 which such liability is recognised as forgiven by the FFTS Division of the Construction, Forestry, Mining and Energy Union as and from merger day.

50.15 Any affiliation to a state or national organisation by the Construction and General Divisional Branch or the Furnishing Divisional Branch shall be maintained by the Union subject to the Rules of the Union.

50.16 If on merger 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 State Executive is empowered to fill the vacancy by an appointment made from:

(a) where the person who is not available for any reason to hold an Office or has declined to hold an Office was eligible immediately preceding merger day pursuant to Sub-rule 2.1from members of the Union who are eligible pursuant to Sub-rule 2.1;

(b) where the person who is not available for any reason to hold an Office or has declined to hold an Office was eligible immediately preceding merger day pursuant to Sub-rule 2.2 from members of the Union who are eligible pursuant to Sub-rule 2.2;

(c) where the person who is not available for any reason to hold an Office or has declined to hold an Office was eligible immediately preceding merger day pursuant to Sub-rule 2.5 from members of the Union who are eligible pursuant to Sub-rule 2.5.

50.17 Subject to Sub-rule 49.16 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 49.4 and 49.5 the vacancy shall be filled by the State Executive by an appointment made from:

(a) where the casual vacancy occurrs in relation to a person who was eligible immediately preceding merger day pursuant to Sub-rule 2.1from members of the Union who are eligible pursuant to Sub-rule 2.1;

(b) where the casual vacancy occurrs in relation to a person who was eligible immediately preceding merger day pursuant to Sub-rule 2.2 from members of the Union who are eligible pursuant to Sub-rule 2.2;

(c) where the casual vacancy occurrs in relation to a person who was eligible immediately preceding merger day pursuant to Sub-rule 2.5 from members of the Union who are eligible pursuant to Sub-rule 2.5.

50.18 Elections shall occur in respect of all offices of the Union in 2000 with officers to take office from the 02.01.2001.

50.19 The annual subscription fees to be paid by members of the Union subsequent to merger day shall be:-

(a) for members who were members of the Construction and General Divisional Branch 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 Furnishing Divisional Branch on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.

50.20 For entrants to the Union who were not members of the Construction and General Divisional Branch or the Furnishing Divisional Branch on the day prior to merger day:

(a) for new members whose eligibility for membership is pursuant to Sub-rules 2.1, or 2.2 an amount equivalent to the level of fees of members of the Construction and General Divisional Branch on the day prior to merger day;

(b) for new members whose eligibility for membership is pursuant to Sub-rule 2.5 an amount equivalent to the level of fees of members of the Furnishing Divisional Branch on the day prior to merger day.

Provided always that the State Executive of the Union shall be able to determine the scales of subscription fees in relation to members in accordance with these Rules.

INDUSTRIAL REGISTRAR
DEC 1998
QUEENSLAND

Workplace Relations Act 1997

(No. C11 of 1999)

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES

I hereby certify that pursuant to the Act the alteration of rule number 2 of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland a copy of which is appended hereto, has been registered and operative from 28 June 1999.

Dated at Brisbane this sixth day of July, 1999.

E. EWALD
Industrial Registrar

COM.0001.0014.5491

The respondents' evidence and submissions stressed their long history of registration in Queensland, the absence of orders made against them and no previous failure of compliance with the Industrial Commission's recommendations. The respondents stressed the administrative arrangements subsequently put in place to deal with the demonstrable deficiencies of those in place at the time of the Commission's order and expressed formal disapproval of the action of those officers and employees whose conduct was the foundation of the Court's conclusion that cause had not been shown. The Court has taken these considerations into account. It has also taken into account that there was in fact no industrial action on 19 February 1999. But for these considerations, the Court would have dealt with the respondents differently.

It is true that there was a difference between the role of the CFMEUQ and the BLFQ. The former respondent was not represented before the Commission when the order of 19 February was made in circumstances which are explained but which are not exculpatory of its subsequent conduct. It needs however to be borne in mind that it had been active in the events leading up to the Commission convening a compulsory conference on 17 February 1999, adjourned to 19 February, in order to give them an opportunity to appear. The core of the respondents' failure to show cause was the conduct of the organisers on the site. It is true that the conduct of the BLFQ's organiser was more culpable than that of the respondent CFMEUQ's, although the latter freely associated himself with the former's activity and effectively did nothing to comply with the provisions of the order referred to earlier.

In some situations this may justify different treatments of the two respondents.

It is obviously essential for the functioning of the industrial relations regime provided for in the Act that orders of the Commission be complied with rather than used as a basis for fostering a situation which gave rise to them in the first place. Effective notification to workers was an essential component of the requirements of the orders of 19 February, particularly having regard to the particular industrial situation which gave rise to them.

In exercising its powers under s. 352(1), the Court must send a strong message to all participants in the Queensland industrial relations system that obligations imposed by the Commission's orders must be carried out. The Court regards a fine as inappropriate.

The mitigating consideration referred to earlier make a cancellation or suspension of registration inappropriate in the circumstances. The Court invited the parties to consider a suspension of registration pursuant to s. 352(1)(f) for a stated period with the suspension not coming into effect while the respondents continued to act appropriately. The Court, however, accepts the submissions of the QCCI that such an order would give rise to such procedural and other difficulties in the event that it was contended that the condition making the order non-operational was violated so as to make this course impractical.

The Commission's orders of 19 February were designed to preserve the Townsville Zinc Refinery Project – Certified Agreement 1997 which governed work at the Korea Zinc Development Project. Unions other than the respondents were party to that agreement and that together with certain of the conditions of the Agreement founded the respondents' activities which lead to them being dealt with here. The Court is of the view that the appropriate remedy is to change the respondents' rules to exclude from eligibility for membership persons engaged in the Project during the currency of the Agreement. That is effected by the following order:–

Insert a new subclause 2.6 (Eligibility) of the Rules of the CFMEUQ as follows:–

"Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.".

Insert a new subclause in clause 3 (Constitution) of the Rules of the BLFQ as follows:–

"Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.".

The new subclauses are to operate from 28 June 1999 until 5 February 2000.

Section 352(1)(i) confers a specific jurisdiction in respect of the costs of the show cause proceedings and the QCCI seeks an order for costs. Its role in the proceedings has been referred to earlier. The show cause proceedings were brought about by the respondents' failure to carry out their obligations under the order of 19 February and they failed to show cause. Having regard to those considerations and the Court's findings, the respondents should pay the QCCI's costs. Having regard to the seriousness and complexity of the issues, those costs should be on the same basis as for an action in the Supreme Court.

In the event the parties cannot agree the matter can be referred back to the Court for directions as to how the costs are to be arrived at.

COM.0001.0014.5491_0002

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Industrial Relations Act 1999
(section 478)

(No. U12 of 2000)

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES

I hereby certify that pursuant to the Act, the addition of Rule no 28A to the rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland has been approved and registered on 15 June 2000.

Dated at Brisbane this fifteenth day of June, 2000.

E. EWALD
Industrial Registrar

COM.0001.0014.5454

FORM R2

Rule 11

Industrial 1999 ~~Workplace~~ Relations Act ~~1996~~ QUEENSLAND

INDUSTRIAL REGISTRAR

~~AUSTRALIAN~~ INDUSTRIAL RELATIONS COMMISSION 14 JUN 2000

QUEENSLAND

APPLICATION FOR PARTIAL ALTERATION OF RULES

412 of 2000

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, and such other person as the registrar may direct.

TAKE NOTICE THAT I Wallace Trohear of Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland ("CFMEUQ") being authorised to represent the CFMEUQ:

1. Apply for partial alteration to the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999* and in accordance with rule 45 of the Rules of the CFMEUQ.
2. Attach hereto as Schedule 1 an Affidavit of myself setting out the material facts relied upon to support this application.
3. Attach hereto as Schedule 2 a copy of the resolution to amend the rules.
4. Attach hereto as Schedule 3 a schedule divided into 3 columns containing the present rule, the alteration sought and the proposed new rule.
5. The proposed rule is in compliance with the Act.
6. The existing rules of the CFMEUQ have been complied with in making the proposed new rule.

Additionally, I make oath and swear as follows:

7. I am fully authorised in compliance with the Act and the rules of court to make this application;
8. The statement of material facts relied on to support this application is to the best of my knowledge, information and belief, true and correct.

CONSTRUCTION FORESTRY MINING AND ENERGY UNION OF EMPLOYEES QUEENSLAND

.....
Wallace Trohear
State Secretary

Signed and sworn by the above named deponent at Brisbane this 13 day of June 2000 before me:

.....
Justice of the Peace/
Commissioner for Declarations

COM.0001.0014.5453

SCHEDULE 1 Copy Pg 2 of 18

Rule 11

Industrial 1999
~~Workplace~~ *Relations Act* ~~1996~~

QUEENSLAND
~~AUSTRALIAN~~ INDUSTRIAL RELATIONS COMMISSION

AFFIDAVIT OF WALLACE TROHEAR

I, Wallace Trohear of c/- Level 9, 344 Queen Street, Brisbane, Queensland being duly sworn make oath and say as follows:-

1. I am the State Secretary of the Construction, Forestry, Mining and Energy Union, Industrial Union of Employees, Queensland, ("CFMEUQ) and am duly authorised to make and swear this affidavit.

2. I make this affidavit in support of the application for partial alteration to the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999*.

3. On 12 May 2000 I caused correspondence to be forwarded to the 24 members of the CFMEUQ State Management Committee attaching a resolution to the Rules of the CFMEUQ. Annexed hereto and marked with the letters "WT1" is a true copy of the resolution sent to the State Management Committee Members.

Deponent

A Justice of the Peace/ Solicitor/
Commissioner for Declarations

AFFIDAVIT
Filed on behalf of the Plaintiff
Form 46 - R.431

Hall Payne Lawyers
Level 9, 344 Queen Street
BRISBANE QLD 4000
Telephone: 07 3221 2044
Facsimile: 07 3229 9842
DX: 40095

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4. I considered that these amendments were of an urgent nature and were required to ensure that the CFMEUQ complied with all requirements of the Industrial Relations Act 1999.

5. I received by return mail 17 completed ballots.

6. All of the 17 ballots that were received by me voted in favour of the proposed amendment.

7. Rule 45 of the Rules of the CFMEUQ provide that the rules of the CFMEUQ may, where no notice has been given of the proposed amendments by the State Executive, be deleted or added to by 2/3 of the members of the State Management Committee voting in favour of the amendments.

8. The State Management Committee comprises of 24 members and as 17 members voted in the affirmative the 2/3 majority requirement was met.

9. The amendment has been proposed under the CFMEUQ's rules.

10. The amendment does not breach the requirements of Section 435 of the Act.

11. All the facts and circumstances herein deposed to are within my own knowledge save such as are to deposed to from information only and my means of knowledge and sources of information appear on the face of this, my Affidavit.

SWORN by Wallace Trohear on 13 June 2000 at Brisbane in the presence of:

Deponent

Barrister/Solicitor/Justice of the Peace/
Commissioner for Declarations

RESOLUTION

1. The State Management Committee resolves that the Rules be amended by the insertion of the following new rule to be inserted immediately following Rule 28:

"Rule 28A

(1) For the purposes of this rule:

a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.

b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relation Act 1996*.

(2) The State Secretary shall ensure that as far as is practicable the elections for offices of the Union are synchronised with elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

(3) To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

(5) The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

a. the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

b. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

c. in the event of the exemption not being granted or being only partly granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

(7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Construction & General Divisional Secretary	Qld State Secretary
Construction & General Divisional Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii))	Qld State Assistant Secretary (Rule 2.1)
Construction & General Divisional Assistant Secretary (Rule 2(A)(b))	Qld State Assistant Secretary (Rule 2.2)
Construction & General Divisional President	Qld State President
Construction & General Divisional Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Construction & General Divisional Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Divisional Honourary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Construction & General Divisional Organisers	Qld State Organisers

PRESENT	RESOLUTION	NEW RULE
Nil	1. The State Management Committee resolves that the Rules be amended by the insertion of the following new rule to be inserted immediately following Rule 28: "Rule 28A (1) For the purposes of this rule: a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.	Rule 28A (1) For the purposes of this rule: a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time. b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the

SCHEDULE 3

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COM.0001.0014.5453_0007

b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relations Act 1996*.

(2) The State Secretary shall ensure that as far as is practicable the elections for offices of the Union are synchronised with elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of

Workplace Relations Act 1996.

c) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relation Act 1996*.

(2) The State Secretary shall ensure that as far as is practicable the elections for offices of the Union are synchronised with elections for offices of the Counterpart Federal Body so as

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the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

(3) To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this

to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

(3) To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the

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rule, that extension shall be deemed to have been made.

(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

(5) The State Management Committee may direct that such application shall be made by the

application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

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Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

a. the application for exemption shall be made within 21 days of the declaration of the

(5) The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

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election for the counterpart federal body;

b. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

c. in the event of the exemption not being granted or being only partly granted the State

a. the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

b. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

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COM.0001.0014.5453_0012

Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

(7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction & General	Qld State Secretary

c. in the event of the exemption not being granted or being only partly granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

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COM.0001.0014.5453_0013

Divisional Secretary	
Qld Construction & General Divisional Assistant Secretary (Rule 2 (A)(A)(3) (i) and (ii))	Qld State Assistant Secretary (Rule 2.1)
Qld Construction & General Divisional Secretary (Rule 2(A)(b))	Qld State Assistant Secretary (Rule 2.2)
Qld Construction	Qld State

(7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction & General Divisional Secretary	Qld State Secretary
Qld Construction & General Divisional Assistant Secretary	Qld State Assistant Secretary (Rule 2.1)

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COM.0001.0014.5453_0014

& General Divisional President	President	(Rule 2 (A)(A)(3) (i) and (ii))	
Qld Construction & General Divisional Management Committee	Qld State Management Committee Member (Sub (Rule2.1)	Qld Construction & General Divisional Secretary (Rule 2(A)(b))	Qld State Assistant Secretary (Rule 2.2)
Qld Construction & General Divisional Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)	Qld Construction & General Divisional President	Qld State President
		Qld Construction & General Divisional Management	Qld State Management Committee Member (Sub

Copy Pg 15 of 18

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Qld FFTS Divisional Honourary Secretary	Qld State Management Committee Member (Sub Rule 2.5)	Committee	(Rule2.1)
Qld Construction & General Divisional Organisers	Qld State Organisers	Qld Construction & General Divisional Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
		Qld FFTS Divisional Honourary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
		Qld Construction	Qld State

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& General Organisers

Divisional Organisers

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COM.0001.0014.5453_0017

QUEENSLAND INDUSTRIAL RELATIONS
COMMISSION,
LEVEL 14, CENTRAL PLAZA II
66 EAGLE STREET (CORNER ELIZABETH
& CREEK STREETS), BRISBANE QLD 4000
Phone: 3227 8060
Facsimile: 3221 6074

APPLICATION NO. 412 2000

INDUSTRIAL REGISTRAR
14 JUN 2000
QUEENSLAND

4.15 p.m.

FILED BY Hall Payne Lawyers

ADDRESS

CONTACT

PHONE ( )

MOBILE ( )

FAX ( )

EMAIL

FILED AND FEE
$51.00 paid
527505O

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999

(No. U 14 of 2001)

APPLICATION FOR PARTIAL ALTERATION OF RULES

TO: The Industrial Registrar, Industrial Registry, Level 14, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001 Phone: (07) 3227 8060, Fax: (07) 3221 6074

TAKE NOTICE that I, Wallace Trohear, State Secretary of Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland ("CFMEUQ") being authorised to represent the CFMEUQ, APPLY to the Registrar for:

1. partial alteration to the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999* and in accordance with rule 45 of the Rules of the CFMEUQ;
2. attach hereto as Schedule 1 an Affidavit of myself setting out the material facts relied upon to support this application;
3. attach hereto as Schedule 2 a copy of the resolution to amend the rules;
4. attach hereto as Schedule 3 a schedule divided into 3 columns containing the present rule, the alteration sought and the proposed new rule;
5. the proposed rule is in compliance with the Act;
6. the existing rules of the CFMEUQ have been complied with in making the proposed new rule;
7. further I apply for directions as to the conduct of this application in relation to the following matters:
   (a) parties;
   (b) service of documents;
   (c) nature of hearing;
   (d) place and time of hearing; and
   (e) any other directions.
8. I am fully authorised in compliance with the Act and the rules of the court to make this application;
9. the statement of material facts relied on to support this application is to the best of my knowledge, information and believe, true and correct.

CONSTRUCTION FORESTRY INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND MINING AND ENERGY UNION

.....
Wallace Trohear
State Secretary

Signed and sworn by the above named deponent at Brisbane this 20th day of April 2001 before me:

.....
A Justice of the Peace/
Commissioner of Declarations

PARTICULARS OF THE APPLICANT

Name: Wallace Trohear

Position or title: State Secretary

Organisation: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

Business address: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's address for service: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's lawyer's name: John Payne

Applicant's lawyer's firm name: Hall Payne Lawyers

Lawyer's business address: Level 9, 344 Queen Street, Brisbane, Queensland

Address for service: Level 9, 344 Queen Street, Brisbane, Queensland

Phone: 07 3221 2044 Fax: 07 3229 9842

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SCHEDULE 1 Copy Pg 3 of 18

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999

Construction, Forestry, Mining and Energy, Union of Employees, Queensland

(No. of 2001)

AFFIDAVIT OF WALLACE TROHEAR

TO: The Industrial Registrar, Industrial Registry, Level 14, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060, Fax: (07) 3221 6074

I, Wallace Trohear of c/- Level 9, 344 Queen Street, Brisbane, Queensland being duly sworn make oath and say as follows:-

1. I am the State Secretary of the Construction, Forestry, Mining and Energy Union, Industrial Union of Employees, Queensland, ("CFMEUQ) and am duly authorised to make and swear this affidavit.

2. I make this affidavit in support of the application for partial alteration to the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999*.

3. On 23 January 2001 I caused correspondence to be forwarded to the members of the CFMEUQ State Management Committee attaching a resolution to amend the rules of the CFMEUQ. Annexed hereto and marked with the letters "WT1" is a true copy of the resolution sent to the State Management Committee Members.

4. I considered that these amendments were of an urgent nature and were required to ensure that the CFMEUQ complied with all requirements of the *Industrial Relations Act 1999*.

5. I received by return mail 21 completed ballots.

Signed: Wallace Trohear
Wallace Trohear

Taken by: Cr Anderson C.dec 6/2/01
A Justice of the Peace/Solicitor/
Commissioner of Declarations

Form 9, Rs.48 &51

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6. All of the 21 ballots that were received by me voted in favour of the proposed amendment.

7. Rule 45 of the Rules of the CFMEUQ provide that the rules of the CFMEUQ may, where no notice has been given of the proposed amendments by the State Executive, be deleted or added to by 2/3 of the members of the State Management Committee voting in favour of the amendments.

8. The State Management Committee comprises of 21 members and as 21 members voted in the affirmative the 2/3 majority requirement was met.

9. The amendment has been proposed under the CFMEUQ's rules.

10. The amendment does not breach the requirements of Section 435 of the Act.

11. All the facts and circumstances herein deposed to are within my own knowledge save such as are to deposed to from information only and my means of knowledge and sources of information appear on the face of this, my Affidavit.

Deponent

SWORN by the deponent at Brisbane on 2nd April 2001 in the presence of:

C Anderson C dec 68281

Justice of the Peace/Solicitor/
Commissioner for Declarations

This affidavit is filed for the applicant

PARTICULARS OF THE APPLICANT

Name: Wallace Trohear

Position or title: State Secretary

Organisation: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

Residential or business address: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's address for service: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's lawyer's name: John Payne

Applicant's lawyer's firm name: Hall Payne Lawyers

Lawyer's business address: Level 9, 344 Queen Street, Brisbane, Queensland

Address for service: Level 9, 344 Queen Street, Brisbane, Queensland

Phone: 07 3221 2044 Fax: 07 3229 9842

RESOLUTION

That Rule 28A be amended by:

a. deleting the words "Queensland Construction and General Divisional" wherever they appear and inserting in lieu thereof the words "Queensland Construction Workers Divisional Branch";

b. deleting the words "Queensland FFTS Divisional" and inserting in lieu thereof "FFTS Union, Queensland Divisional Branch."

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, s 708

Construction, Forestry, Mining and Energy, Union of Employees, Queensland

(No. of 2001)

This is the exhibit marked "WT1" mentioned in the affidavit of Wallace Trohear sworn before me on this 20th day of April 2001

Anderson Cdec 68281

Justice of the Peace/Solicitor/
Commissioner for Declarations

Form 8, R.49.

RESOLUTION

That Rule 28A be amended by:

a. deleting the words "Queensland Construction and General Divisional" wherever they appear and inserting in lieu thereof the words "Queensland Construction Workers Divisional Branch";

b. deleting the words "Queensland FFTS Divisional" and inserting in lieu thereof "FFTS Union, Queensland Divisional Branch."

PRESENT	RESOLUTION	NEW RULE
Rule 28A	That Rule 28A be amended by:	Rule 28A
(1) For the purposes of this rule:	a. deleting the words "Queensland Construction and General Divisional" wherever they appear and inserting in lieu thereof the words "Queensland Construction Workers Divisional Branch";	(1) For the purposes of this rule:
a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.	b. deleting the words "Queensland FFTS Divisional" and inserting in lieu thereof "FFTS Union, Queensland Divisional Branch."	a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.
b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the		b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the

SCHEDULE 3

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Workplace Relation Act 1996.

c) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relation Act 1996.*

(2) The State Secretary shall ensure that as far as is practicable the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as

Workplace Relation Act 1996.

c) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relation Act 1996.*

(2) The State Secretary shall ensure that as far as is practicable the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as

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COM.0001.0014.5497_0010

to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

(3) To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the

to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

(3) To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the

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application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

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(5) The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

(5) The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

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9. the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

b. a. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

(a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

(b) a. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

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COM.0001.0014.5497_0014

(c) in the event of the exemption not being granted or being only partly granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

(7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

(c) in the event of the exemption not being granted or being only partly granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

(7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

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The CFMEU	The Union
Qld Construction & General Divisional Secretary	Qld State Secretary
Qld Construction & General Divisional Assistant Secretary (Rule 2 (A)(A)(3) (i) and (ii))	Qld State Assistant Secretary (Rule 2.1)
Qld Construction	Qld State

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3) (i) and (ii))	Qld State Assistant Secretary (Rule 2.1)
Qld Construction	Qld State

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& General Divisional Secretary (Rule 2(A)(b))	Assistant Secretary (Rule 2.2)
Qld Construction & General Divisional President	Qld State President
Qld Construction & General Divisional Management Committee Member (Rule 2(A)(A)(3)(i) and (ii)	Qld State Management Committee Member (Sub (Rule2.1)

Workers Divisional Branch Secretary (Rule 2(A)(b))	Assistant Secretary (Rule 2.2)
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii)	Qld State Management Committee Member (Sub (Rule2.1)

Copy Pg 17 of 18

COM.0001.0014.5497_0017

Qld Construction & General Divisional Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
Qld FFTS Divisional Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction & General Divisional Organisers	Qld State Organisers

Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union, Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers

Copy Pg 18 of 18

COM.0001.0014.5497_0018

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999

(No. U 14 of 2001)

APPLICATION FOR PARTIAL ALTERATION OF RULES

TO: The Industrial Registrar, Industrial Registry, Level 14, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001 Phone: (07) 3227 8060, Fax: (07) 3221 6074

TAKE NOTICE that I, Wallace Trohear, State Secretary of Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland ("CFMEUQ") being authorised to represent the CFMEUQ, APPLY to the Registrar for:

1. partial alteration to the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999* and in accordance with rule 45 of the Rules of the CFMEUQ;
2. attach hereto as Schedule 1 an Affidavit of myself setting out the material facts relied upon to support this application;
3. attach hereto as Schedule 2 a copy of the resolution to amend the rules;
4. attach hereto as Schedule 3 a schedule divided into 3 columns containing the present rule, the alteration sought and the proposed new rule;
5. the proposed rule is in compliance with the Act;
6. the existing rules of the CFMEUQ have been complied with in making the proposed new rule;
7. further I apply for directions as to the conduct of this application in relation to the following matters:
   (a) parties;
   (b) service of documents;
   (c) nature of hearing;
   (d) place and time of hearing; and
   (e) any other directions.
8. I am fully authorised in compliance with the Act and the rules of the court to make this application;
9. the statement of material facts relied on to support this application is to the best of my knowledge, information and believe, true and correct.

CONSTRUCTION FORESTRY INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND MINING AND ENERGY UNION

.....
Wallace Trohear
State Secretary

Signed and sworn by the above named deponent at Brisbane this 20th day of April 2001 before me:

.....
A Justice of the Peace/
Commissioner of Declarations

COM.0001.0014.5498

PARTICULARS OF THE APPLICANT

Name: Wallace Trohear

Position or title: State Secretary

Organisation: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

Business address: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's address for service: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's lawyer's name: John Payne

Applicant's lawyer's firm name: Hall Payne Lawyers

Lawyer's business address: Level 9, 344 Queen Street, Brisbane, Queensland

Address for service: Level 9, 344 Queen Street, Brisbane, Queensland

Phone: 07 3221 2044 Fax: 07 3229 9842

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SCHEDULE 1

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999

Construction, Forestry, Mining and Energy, Union of Employees, Queensland

(No. of 2001)

AFFIDAVIT OF WALLACE TROHEAR

TO: The Industrial Registrar, Industrial Registry, Level 14, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060, Fax: (07) 3221 6074

I, Wallace Trohear of c/- Level 9, 344 Queen Street, Brisbane, Queensland being duly sworn make oath and say as follows:-

1. I am the State Secretary of the Construction, Forestry, Mining and Energy Union, Industrial Union of Employees, Queensland, ("CFMEUQ) and am duly authorised to make and swear this affidavit.

2. I make this affidavit in support of the application for partial alteration to the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999*.

3. On 23 January 2001 I caused correspondence to be forwarded to the members of the CFMEUQ State Management Committee attaching a resolution to amend the rules of the CFMEUQ. Annexed hereto and marked with the letters "WT1" is a true copy of the resolution sent to the State Management Committee Members.

4. I considered that these amendments were of an urgent nature and were required to ensure that the CFMEUQ complied with all requirements of the *Industrial Relations Act 1999*.

5. I received by return mail 21 completed ballots.

Signed: Wallace Trohear
Wallace Trohear

Taken by: Cr Anderson C.dec 6/2/01
A Justice of the Peace/Solicitor/
Commissioner of Declarations

Form 9, Rs.48 &51

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6. All of the 21 ballots that were received by me voted in favour of the proposed amendment.

7. Rule 45 of the Rules of the CFMEUQ provide that the rules of the CFMEUQ may, where no notice has been given of the proposed amendments by the State Executive, be deleted or added to by 2/3 of the members of the State Management Committee voting in favour of the amendments.

8. The State Management Committee comprises of 21 members and as 21 members voted in the affirmative the 2/3 majority requirement was met.

9. The amendment has been proposed under the CFMEUQ's rules.

10. The amendment does not breach the requirements of Section 435 of the Act.

11. All the facts and circumstances herein deposed to are within my own knowledge save such as are to deposed to from information only and my means of knowledge and sources of information appear on the face of this, my Affidavit.

Deponent

SWORN by the deponent at Brisbane on 2nd April 2001 in the presence of:

C M Anderson Cdec 68281
Justice of the Peace/Solicitor/
Commissioner for Declarations

This affidavit is filed for the applicant

PARTICULARS OF THE APPLICANT

Name: Wallace Trohear

Position or title: State Secretary

Organisation: Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

Residential or business address: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's address for service: c/- Level 9, 344 Queen Street, Brisbane, Queensland

Applicant's lawyer's name: John Payne

Applicant's lawyer's firm name: Hall Payne Lawyers

Lawyer's business address: Level 9, 344 Queen Street, Brisbane, Queensland

Address for service: Level 9, 344 Queen Street, Brisbane, Queensland

Phone: 07 3221 2044 Fax: 07 3229 9842

RESOLUTION

That Rule 28A be amended by:

a. deleting the words "Queensland Construction and General Divisional" wherever they appear and inserting in lieu thereof the words "Queensland Construction Workers Divisional Branch";

b. deleting the words "Queensland FFTS Divisional" and inserting in lieu thereof "FFTS Union, Queensland Divisional Branch."

COM.0001.0014.5498_0006

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, s 708

Construction, Forestry, Mining and Energy, Union of Employees, Queensland

(No. of 2001)

This is the exhibit marked "WT1" mentioned in the affidavit of Wallace Trohear sworn before me on this 20th day of April 2001

Anderson Cdec 68281

Justice of the Peace/Solicitor/
Commissioner for Declarations

Form 8, R.49.

SCHEDULE 2

RESOLUTION

That Rule 28A be amended by:

a. deleting the words "Queensland Construction and General Divisional" wherever they appear and inserting in lieu thereof the words "Queensland Construction Workers Divisional Branch";

b. deleting the words "Queensland FFTS Divisional" and inserting in lieu thereof "FFTS Union, Queensland Divisional Branch."

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PRESENT	RESOLUTION	NEW RULE
Rule 28A	That Rule 28A be amended by:	Rule 28A
(1) For the purposes of this rule:	a. deleting the words "Queensland Construction and General Divisional" wherever they appear and inserting in lieu thereof the words "Queensland Construction Workers Divisional Branch";	(1) For the purposes of this rule:
a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.	b. deleting the words "Queensland FFTS Divisional" and inserting in lieu thereof "FFTS Union, Queensland Divisional Branch."	a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.
b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the		b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the

SCHEDULE 3

COM.0001.0014.5498_0009

Workplace Relation Act 1996.

c) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relation Act 1996.*

(2) The State Secretary shall ensure that as far as is practicable the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as

Workplace Relation Act 1996.

c) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relation Act 1996.*

(2) The State Secretary shall ensure that as far as is practicable the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as

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to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

(3) To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the

to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

(3) To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the

COM.0001.0014.5498_0011

application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

COM.0001.0014.5498_0012

(5) The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

(5) The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

COM.0001.0014.5498_0013

9. the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

b. a. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

(a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

(b) a. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

COM.0001.0014.5498_0014

(c) in the event of the exemption not being granted or being only partly granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

(7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

(c) in the event of the exemption not being granted or being only partly granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

(7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

COM.0001.0014.5498_0015

The CFMEU	The Union
Qld Construction & General Divisional Secretary	Qld State Secretary
Qld Construction & General Divisional Assistant Secretary (Rule 2 (A)(A)(3) (i) and (ii))	Qld State Assistant Secretary (Rule 2.1)
Qld Construction	Qld State

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3) (i) and (ii))	Qld State Assistant Secretary (Rule 2.1)
Qld Construction	Qld State

COM.0001.0014.5498_0016

& General Divisional Secretary (Rule 2(A)(b))	Assistant Secretary (Rule 2.2)
Qld Construction & General Divisional President	Qld State President
Qld Construction & General Divisional Management Committee Member (Rule 2(A)(A)(3)(i) and (ii)	Qld State Management Committee Member (Sub (Rule2.1)

Workers Divisional Assistant Branch Secretary (Rule 2(A)(b))	Assistant Secretary (Rule 2.2)
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii)	Qld State Management Committee Member (Sub (Rule2.1)

COM.0001.0014.5498_0017

Qld Construction & General Divisional Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
Qld FFTS Divisional Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction & General Divisional Organisers	Qld State Organisers

Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union, Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers

COM.0001.0014.5498_0018

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(section 478)

(No. U14 of 2001)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Act, the amendment of Rule no. 28A of the rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, has been approved and registered on 24 August, 2001.

Dated at Brisbane this twenty-seventh day of August, 2001.

E. EWALD
Industrial Registrar

COM.0001.0014.5499

FORM 56

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999

(No 47 of 2003)

INDUSTRIAL REGISTRAR
- 3 FEB 2003
QUEENSLAND

APPLICATION FOR PARTIAL AMENDMENT OF THE RULES OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

TO: The Industrial Registrar, Industrial Registry, Level 14, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060, Fax: (07) 3221 6074

TAKE NOTICE that I, William Wallace Trohear being the State Secretary of the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland ("CFMEUQ") and being authorised to represent the CFMEUQ, APPLY to the Registrar for:

1. Partial amendment of the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999* and in accordance with Rule 45 of the Rules of the CFMEUQ.

2. Attached to this application are:

   (a) a copy of the relevant part of the motion proposing the Rule changes as Schedule 1;

   (b) the proposed amendments in compliance with the Act as Schedule 2; and

   (c) a copy of the extract of the minutes of the meeting of the State Management Committee of the CFMEUQ held 28 November 2002, recording a resolution of the State Management Committee to accept the proposed amendments, as Schedule 3.

3. Further I apply for directions as to the conduct of this application in relation to the following matters:
   (a) parties;
   (b) service of documents;
   (c) nature of hearing; and
   (d) place of time and hearing.

APPROVED AS AMENDED 6.6.03

4. I, William Wallace Trohear, solemnly and sincerely affirm and declare as follows:

COM.0001.0014.5500

(a) I am the State Secretary of the CFMEUQ and am duly authorised to make and swear this affidavit;

(b) I make this affidavit in support of the application for the partial amendment of the Rules of the CFMEUQ under Section 478 (2) of the *Industrial Relations Act 1999*;

(c) on 28 November 2002 a duly convened meeting of the State Management Committee ("the Committee") of the CFMEUQ was held ("the meeting");

(d) in accordance with Rule 45 of the Rules of the CFMEUQ, a notice of motion relating to proposed Rule changes had been given to all members of the Committee ("the resolution"). I attach as Schedule 1 a copy of the relevant parts of that notice;

(e) at the meeting, I drew the Committee's attention to each of the proposed amendments to the Rules as reflected in Schedule 2;

(f) the resolution was carried unanimously, which resolution was in the same terms as the resolution contained in the extract from the minutes attached as Schedule 3 to this application;

(g) Rule 45 of the Rules of the CFMEUQ provides for the process for voting on a Rule change;

(h) the amendment has been proposed and accepted in accordance with Rule 45 of the CFMEUQ's Rules;

(i) the amendment does not breach the requirement of Section 435 of the Act.

5. I am fully authorised to make this application.

INDUSTRIAL REGISTRAR
- 3 FEB 2003
QUEENSLAND

.....
Deponent

.....
A Justice of the Peace/Solicitor

6.

7. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

William Wallace Trohear
State Secretary
Construction, Forestry, Mining And Energy Union, Construction And General Division,
Queensland Construction Workers' Divisional Branch

AFFIRMED by the deponent at Brisbane on 20th January 2003.

Before me

Justice of the Peace / Commissioner for Declarations / Solicitor

INDUSTRIAL REGISTRAR
- 3 FEB 2003
QUEENSLAND

CONSTRUCTION FORESTRY MINING AND ENERGY UNION
INDUSTRIAL UNION OF ORGANISATION
QUEENSLAND

Seal of Organisation

AFFIRMED by the deponent at Brisbane on 20th January 2003.

Before me

Justice of the Peace / Commissioner for Declarations / Solicitor

End note: When this application is in respect of registration or rules or callings or change of name, it must be under the seal of the industrial organisation or be signed by two persons authorised by the industrial organisation to sign the application.

PARTICULARS OF THE APPLICANT

Name: William Wallace Trohear

Title of office: State Secretary

Organisation: Construction, Forestry, Mining And Energy Union, Construction And General Division, Queensland Construction Workers' Divisional Branch

Residential or business address: Level 2, Upper Roma Street, Brisbane Qld 4000

Applicant's address for service: Level 9, 344 Queen Street, Brisbane Qld 4000

Applicant's phone number or contact phone number: 3236 2355

Applicant's fax number: 3236 2230

Applicant's e-mail address:

Applicant's lawyer's name: John Payne

And firm name: Hall Payne Lawyers

Lawyer's business address: Level 9, 344 Queen Street, Brisbane Qld 4000

Address for service: Level 9, 344 Queen Street, Brisbane Qld 4000

Phone: 07 3221 2044

Fax: 07 3229 9842

E-mail address:



FORM 8
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 708
(No. of 2003)

APPLICATION FOR PARTIAL ALTERATION OF THE RULES OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

This is Schedule 1 mentioned in the affidavit of William Wallace Trohear.

Affirmed before me on this 29th day of January 2003.

Deponent

Justice of the Peace / Solicitor

INDUSTRIAL REGISTRAR
- 3 FEB 2003
QUEENSLAND

Form 8, R.49.

RESOLUTIONS
of the State Management Committee meeting held 28 November 2002

The State Management Committee of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) resolves in relation to the Rules of the CFMEUQ:

1. To delete the Index in its entirety and insert in lieu thereof the following:

INDEX

Rule	Description
1.	Name and Office
2.	Eligibility
3.	Objects
4.	Application for Membership
5.	Entrance Fee
6.	Contributions
7.	Financial Membership
8.	Resignation of Members
9.	Transfer of Members
10.	Duties of Members
11.	Misconduct of Members
12.	Appeals of Members and Sub-Branches to State Management Committee
13.	Control and Suspension of Members
14.	Register of Members and Officers
15.	Recovery of Arrears
16.	Property and Funds of the Union
17.	Banking and Expenditure of Funds
18.	State Management Committee
18A	Meetings of the State Management Committee
19.	State Management Committee Finance
20.	State Executive
21.	Duties of the State President/State Vice-President

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QUEENSLAND

22.	Duties of State Secretary
23.	Duties of Assistant Secretaries
24.	Trustees
25.	Organisers
26.	Removal of Officers
27.	Salaries of Officers
28.	Election of State President, State Secretary, Assistant State Secretary, State Management Committee Members, Organisers
29.	Election Procedures Definitions
30.	Manager of Election
31.	Closing Day and Time for Nominations
32.	Starting and Finishing Days of Ballot
33.	Calling for Nominations
34.	Nomination Procedures
35.	What Happens if a Nomination is Defective
36.	When a Ballot Must be Held
37.	Election Without Ballot
38.	Roll – Preparation
39.	Roll - Inspection
40.	When Someone Can Claim a Right to Vote
41.	Ballot Papers
42.	Distribution Voting Material
43.	Manager Must Keep a Ballot Box
44.	Duplicate Voting Material
45.	How Long Ballot is Open
46.	How to Vote
47	How Many Votes May be Cast
48.	How Manager Must Deal with Voting Material
49.	Scrutineers - Appointment
50.	Scrutineers' Rights

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51.	Scrutineers – Numbers Attending
52.	Initial Scrutiny of Voting Material
53	Counting Votes
54.	Scrutineers' Objections
55.	Direction by Manager to Leave Count
56.	How Result is Decided
57.	What Happens if Votes for 2 or More Candidates are Equal
58.	What Happens if Multiple Nominee Elected
59.	Collegiate Electoral System
60.	Casual Vacancies
61.	Exemption from Election
62.	Returning Officer and Scrutineers
63.	Delegates Meeting
64.	State Delegates Convention
65.	Election of Delegates
66.	Sub-Branches
67.	Aggregate Meetings
68.	Delegation Approval
69.	Shop Stewards
70.	Apprentices
71.	Audit of Accounts
72.	Special Auditors
73.	Donations/Loans
74.	Interpretation of Rules
75.	Affiliation
76.	Disputes with Management
77.	Alteration of Rules
78.	Dissolution
79.	Ballots/Plebiscites - Control by Members

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QUEENSLAND

80. Common Seal and Mode of Execution of Documents

81. Standing Orders and Rules of Debate

2. To delete Sub-rule 15.3 in Rule 15 and insert in lieu thereof "*15.3 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and half years shall be waived by the Union.*", so that the Rule provides as follows:

15. RECOVERY OF ARREARS:

15.1 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 State Secretary shall take the necessary steps for the recovery of such arrears.

15.2 The State Secretary 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.

15.3.1 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and half years shall be waived by the Union.

3. To delete Rule 18 in its entirety and insert the following, so that the Rule provides.

"18. STATE MANAGEMENT COMMITTEE

18.1 On and from 1 January 2003, the State Management Committee of the Union shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) the Assistant State Secretaries (if any)
(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:

(i) 10 from those eligible for membership by virtue of Rule 2.1;

(ii) 2 from those eligible for membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, State Assistant Secretary (if any) or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 The State Secretary, the State President and the State Assistant Secretaries (if any) shall be elected by and from all members of the Union, who are eligible to nominate and vote.

18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.

18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.

18.5 The State Management Committee shall, not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of State Assistant Secretaries (if any) to be elected.

18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the Union Secretary signed by 6 members of the State Management Committee.

18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for Secretary, State Assistant Secretaries (if any), State Trustees, Officials, Organisers, Union President, Union Vice-Presidents, members of the Management Committee, Union Returning Officers and Deputy Returning Officers, and Scrutineers."

4. To delete Sub-rule 20.1 in Rule 20 and insert in lieu thereof "*20.1 There shall be a State Executive which shall comprise of the following:*

(a) the State President;
(b) the State Secretary;
(c) the State Assistant Secretaries (if any);
(d) *3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.*" so that the Rule provides as follows:

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QUEENSLAND

20. STATE EXECUTIVE

20.1 There shall be a State Executive which shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) the State Assistant Secretaries (if any);
(d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.

20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.

20.3 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.

20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.5 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.6 If the State President is absent from a meeting of the State Executive a Vice-President, as determined by these Rules, shall act and shall have the powers of the President while so acting.

20.7 If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

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20.8 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

20.9 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

5. To delete Rule 23 in its entirety and insert the following, so that the Rule provides:

23 – DUTIES OF ASSISTANT STATE SECRETARIES

"23.1 The Assistant State Secretaries (if any) shall work under the direction of the State Management Committee and the State Secretary.

23.2 The Assistant State Secretary (if any) shall assist the State Secretary in carrying out the duties set out in Rule 21.

23.3 In the absence of the State Secretary one of the Assistant State Secretaries (if any) shall act as the Acting State Secretary as directed by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall appoint an officer to act as Acting State Secretary.

23.4 Any Acting State Secretary shall be subject to Rules 21.13 and 26.

23.5 An Assistant State Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary."

6. By deleting Sub-rule 24.1 and inserting "24.1 *The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary.*" and by deleting Sub-rule 24.4 and inserting "*24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary.*" so that Rule 24 provides as follows:

24. TRUSTEES

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary then the officer appointed by the State Management Committee as Acting State Secretary.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

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7. By deleting "28.3" in Sub-rule 28.1 and inserting in lieu thereof "28.2", deleting Sub-rules 28.2, 28.5-28.37, renumbering Sub-rules 28.3 as 28.2 and 28.4 as 28.3, by inserting "*28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.*" so that Rule 28 provides as follows:

28. ELECTION OF STATE PRESIDENT, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.2 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry of the Union 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.

28.2 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 Assistant State Secretaries State President State Vice-President	Three years financial membership
State Management Committee Members District Secretary/Organiser State Organisers	One years financial membership

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28.3 The term of Office for the above positions shall be four years.

28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.

8. By deleting Rule 29 and inserting in lieu thereof the following as Rule 59:

59.1 The State Vice-President shall be elected by a Collegiate Electoral System.

59.2 The Electoral College shall in relation to the office of State Vice-President be the State Management Committee.

59.3 The outgoing State Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of this Rule "the Manager"), and the Manager shall be subject to the provisions of the Election Procedure Rules.

59.4 The Manager shall call for nominations from among members of the Electoral College subject to these Rules, by written notice to each member.

59.5 Nominations shall be in writing, signed by the candidate and seconded in accordance with this Rule and shall be delivered to the Manager prior to the commencement of the first meeting of the State Management Committee next following the election of members of the Electoral College (for the purposes of this Rule "the Meeting").

59.6 If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

59.7 The Manager shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the meeting.

59.8 If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.

59.9 If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College by means of a preferential system of voting as defined in the election procedures, which election procedures shall apply to the count.

59.10 Any candidates may appoint a scrutineer, and the provision of the Scrutineers - Appointment Rule of the Election Procedure Rules in relation to scrutineers shall apply.

59.11 The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.

59.12 The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.

59.13 Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

59.14 The candidate or candidates securing the highest number of votes shall be declared elected.

59.15 The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.

59.16 The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.

9. By inserting the following as Rule 60, so that the Rule provides as follows:

60. CASUAL VACANCIES

60.1 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.

60.2 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.

10. By renumbering Rule 28A as Rule 61, so that it provides as follows:

INDUSTRIAL REGISTRAR
- 3 FEB 2003
QUEENSLAND

61. EXEMPTION FROM ELECTIONS

61.1 For the purposes of this rule:

a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.

b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relations Act 1996*.

61.2 The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

61.3 To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

61.4 Whilst the CFMEU is a counterpart federal body of the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

61.5 The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

61.6 Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

b) the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

c) in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS	Qld State Assistant Secretary

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Union Qld Divisional Branch Assistant Honorary Secretary	
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Vice-Presidents (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS Union Qld Divisional Branch Honorary Vice-President	State Vice-Presidents
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers

11. By deleting Sub-rule 30.1 and inserting "*30.1 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 Union or a Sub-Branch, to be conducted, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time, including the quadrennial ballot. The State Management Committee shall appoint only after applications of 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 as its last meeting prior to the quadrennial ballot.*" and renumbering the Rule as Rule 62 so that Rule 62 provides as follows:

62. **RETURNING OFFICER AND SCRUTINEERS**

62.1 **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 Union or a Sub-Branch, to conduct, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time, including the quadrennial ballot. The State Management Committee shall appoint only after applications of 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 as its last meeting prior to the quadrennial ballot.**

62.2 **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.**

62.3 **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.**

12. By numbering Rule 31-49 as Rules 63-81.

13. By deleting Rule 50.

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14. By inserting the following as Rules 29-58, so that the Rules provides as follows:

29. Election Procedure Definitions

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Definitions:

"ballot box" means a ballot box kept under Rule 43.

"Candidate", for an election, means a person:

(a) who has nominated as a Candidate for the office the election is about; and

(b) whose nomination has been accepted under Rule 34.3; and

(c) whose nomination has not been withdrawn.

"Election Procedures Rules" means Rules 29 – of these Rules.

"eligible member" means a person who was a financial member of the Union 30 days before the starting time for nominations.

"higher office" means:

(a) for the office of State Management Committee member—any office other than the office of trustee; or

(b) for the office of State Secretary—the office of State Vice-President or State President; or

(c) for the office of State Vice-President—the office of State President.

"industry sub-group" mean the industry sub-groups respectively provided by Sub-rules 2.1, 2.2, and 2.5 of these Rules.

"initialed" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

"Manager of an Election" means:

(a) the electoral officer conducting the election or ballot; or

(b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.

"member" means a member of the Union.

"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.

"return envelope" see Rule 42.1 (c).

"roll", for an election, means the roll of Voters prepared for the election under Rule 38.

"scrutineer" means:

(a) a Candidate who acts personally as a scrutineer; or

(b) a person appointed as a scrutineer for a Candidate under Rule 49.

"State Secretary" means:

(a) the person holding office as the Union's State Secretary; or

(b) another officer of the Union, however described, who has the functions of the Union's State Secretary.

"trustee" means the office of a person holding, whether as trustee or otherwise, property:

(a) of the Union; or

(b) that the Union has a beneficial interest in.

"Voter" means a person:

(a) who is an eligible member; and

(b) whose name is on the roll under Rule 38.

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"voting material" see Rule 42.1.

PART 2—MANAGER OF ELECTION

30. Manager of election—functions and powers

30.1 The Manager of an election:

(a) must not influence, or attempt to influence, the outcome of the election; and

(b) must conduct the election under these Election Procedure Rules except where the Rules expressly provide otherwise; and

(c) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(d) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

30.2 The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(a) to ensure no irregularities happen in the election; or

(b) to remedy a procedural defect that appears to the Manager to exist about the election.

30.3 To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.

PART 3—PRE-ELECTION PROCEDURES

31. Closing day and time for nominations

31.1 The Manager of the election must fix the opening day and closing day for nominations for office.

31.2 The closing day must be at least 28 days after notice is given under Rule 33.

31.3 Nominations open at midday on the opening day and close at midday on the closing day.

32. Starting and finishing days of ballot

32.1 If a ballot becomes necessary under Rule 36, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

32.2 The start day must not be before the closing day for nominations for the offices to be filled at the election.

33. Calling for nominations

33.1 The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(a) by post to each member at the address recorded in the members register;

(b) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter;

(c) in a daily newspaper circulating in the area where the Union's members live or work.

33.2 The notice must state:

(a) the opening day for nominations; and

(b) the closing day for nominations; and

(c) that nominations for office:

(i) open at midday on the opening day; and

(ii) close at midday on the closing day; and

(d) who may nominate as a Candidate in the election; and

(e) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(f) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 36; and

(g) that only a person who was a financial member 30 days before the opening time for nominations may Vote in the election; and

(h) that the ballot will be decided by a preferential system of voting.

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34. Nomination procedure

34.1 A nomination for office must be written, signed by the nominee, otherwise comply with these Rules and be given to the Manager of the election before nominations close.

34.2 A person may nominate for more than 1 office.

34.3 The Manager must accept a nomination if:

(a) it complies with Sub-rule 34.1; and

(b) the nominee is an eligible member and is otherwise entitled pursuant to these Rules to nominate; and

(c) the nominators are entitled pursuant to these Rules to nominate the nominee; and

(d) these Rules, in so far as they expressly provide in relation to the nomination process, are complied with.

34.4 A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

35. What happens if a nomination is defective

35.1 The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

35.2 If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:

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(a) reject it; and

(b) give the nominee notice of the defect; and

(c) if practicable, give the nominee an opportunity to remedy the defect.

35.3 If practicable, the notice must be given before nominations close.

35.4 Failure to give the notice does not invalidate the election.

36. When a ballot must be held

If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the Election Procedure Rules.

37. Election without ballot

37.1 The Manager of the election must declare a Candidate elected to an office if:

(a) nominations have closed; and

(b) the Candidate does not hold another office; and

(c) the Candidate has:

(i) not nominated for a higher office; or

(ii) nominated for a higher office and is not elected to the higher office; and

(d) if the election is for President or Secretary—the Candidate is the only Candidate; or

(e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.

PART 4—CONDUCTING BALLOTS

Division 1—General

38. Roll—preparation

38.1 A roll for a ballot must be prepared at the direction of the Manager of the election.

38.2 The Manager must ensure the roll:

(a) states:

(i) the name of each person who is an eligible member of the Union in alphabetical order; and

(ii) each eligible member's address, opposite their name; and

(iii) the Industry Sub-group to which they are allocated pursuant to these Rules; and

(b) is completed when nominations for the election close.

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38.3 The Union must give the Manager:

(a) a copy of its members register; and

(b) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

39. Roll—inspection

39.1 The Manager of the election must make the roll for the election available for inspection:

(a) in the period that:

(i) starts on the day after the roll must be completed under Rule 38; and

(ii) ends 30 days after the result of the election is declared; and

(b) at the Manager's office when it is open for business.

39.2 A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.

39.3. If, during the period stated in Rule 39.1, a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

40. When someone can claim a right to Vote

40.1 Despite Rule 38.2, if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

40.2 If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

40.3 An eligible member is only able to vote in such ballots as is permitted pursuant to these Rules.

Division 2—Voting material

41. Ballot papers

41.1 A ballot paper for the election must:

(a) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and

(b) be of paper that will hide a vote marked on it from view when it is folded once; and

(c) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(d) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and

(e) state how the Voter may vote; and

(f) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and

(g) state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.

41.2 The order of names on the ballot paper must be decided by lot.

41.3 If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

Example—

The occupation of each Candidate may be added to the ballot paper.

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42. Distributing voting material

42.1 The Manager of the election must post the following things (the "voting material") to each Voter:

(a) a ballot paper initialed by the Manager;

(b) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(c) a ballot envelope and a voting declaration;

(d) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

42.2 Voting material must be posted to each Voter:

(a) in a sealed envelope to the Voter's address on the roll; and

(b) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

42.3 The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.'

42.4 If a Voter gives the Manager a notice that the Voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

42.5 Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:

(a) the roll against the Voter's name; and

(b) the declaration form.

(c) The Manager must give each Voter a different ballot number.

(d) The ballot numbers must start with a number chosen by the Manager.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.

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43. Manager must keep a ballot box

43.1 The Manager must get a ballot box and:

(a) keep the box in a safe place; and

(b) seal the box in a way that:

(i) allows voting material to be put in it until the ballot finishes; and

(ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

44. Duplicate voting material

44.1 This Rule applies if voting material posted to a Voter:

(a) has not been received by the Voter; or

(b) has been lost or destroyed; or

(c) if the document is a ballot paper—has been spoilt.

44.2 The Voter may apply to the Manager of the election for a duplicate of the document.

44.3 The application must:

(a) be received by the Manager on or before the finish day of the ballot; and

(b) state the grounds on which it is made; and

(c) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(d) state that the Voter has not voted at the ballot; and

(e) if the document is a spoilt ballot paper be accompanied by the ballot paper.

44.4 If the application complies with Sub-rule 44.3, the Manager must:

(a) if the document is a spoilt ballot paper:

(i) mark 'spoilt' on the paper; and

(ii) initial the paper beside that marking and keep the paper; and

(iii) give a fresh ballot paper to the Voter; or

(b) otherwise—give a duplicate of the document to the Voter.

Division 3—Voting

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45. How long ballot is open

45.1 A ballot must remain open for:

(a) at least 21 days; and

(b) no longer than 49 days.

46. How to Vote

46.1 A Voter may vote only by completing the following steps:

(a) completing a ballot paper by:

(i) writing a number in order of preference in the square opposite the name of the Candidates the Voter may vote for under Rule 47; and

(ii) complying with the instructions on the paper about how to vote;

(b) putting the ballot paper in a ballot envelope;

(c) sealing the ballot envelope;

(d) filling in and signing the voting declaration for the ballot paper;

(e) putting the voting declaration and the ballot envelope in the return envelope;

(f) sealing the return envelope;

(g) complying with any direction given under Rule 42.1(d);

(h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

47. How many votes may be cast

47.1 A Voter shall express a preference for each candidate for which the voter is entitled to vote.

Division 4—Counting and scrutiny of votes

48. How Manager must deal with voting material

48.1 The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

48.2 If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(a) keep the envelope sealed; and

(b) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and

(c) keep the envelope in safe custody, but separately from returned envelopes received before or on the finishing day.

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49. Scrutineers—appointment

49.1 A Candidate may:

(a) act personally as a scrutineer; or

(b) appoint another person (an "appointee") as a scrutineer for the Candidate.

49.2 An appointment must be in writing and signed by the Candidate.

49.3 A Candidate must notify the Manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

49.4 The Manager may refuse to allow an appointee to act as a scrutineer if:

(a) the Manager asks to inspect the appointment as a scrutineer; and

(b) the appointee does not produce it.

50. Scrutineers' rights

50.1 Subject to Rule 51, a scrutineer may be present when:

(a) ballot papers or other voting material for a ballot are prepared and given to Voters; and

(b) voting material is received and put in safe custody under Rule 48; and

(c) votes are counted.

51. Scrutineers—numbers attending

51.1 Each Candidate may have only 1 scrutineer exercising a right under Rule 50 for each official present where the ballot is being conducted.

51.2 In Rule 51.1:

"official" means:

(a) if the ballot is being conducted by the electoral commission—an electoral officer; or

(b) if the ballot is not being conducted by the electoral commission:

(i) the Manager of the election; or

(ii) any other person appointed by the Manager to exercise the Manager's powers for the election.

52. Initial scrutiny of voting material

52.1 As soon as possible after the ballot finishes, the Manager of the ballot must:

(a) seal the ballot box in a way that prevents voting material from being put in it; and

(b) take the ballot box to the place where votes are to be counted.

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52.2 The Manager must then:

(a) unseal the ballot box; and

(b) take out the return envelopes; and

(c) open each return envelope and take out the ballot envelope and the voting declaration; and

(d) examine the declaration and mark off the Voter's name on the roll; and

(e) check the ballot number on the declaration against the ballot number marked against the Voter's name on the roll; and

(f) ensure the declaration is signed.

52.3 After complying with Sub-rule 52.2, the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied:

(a) each declaration is signed; and

(b) the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the roll.

52.4 However, the Manager must not put a ballot envelope or declaration in the containers mentioned in Sub-rule 52.3 if:

(a) the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or

(b) the person named on the declaration is not the person to whom it was sent.

52.5 Sub-rule 52.4 does not apply if the Manager is satisfied the person who filled in and signed the declaration:

(a) is a Voter; and

(b) has not previously voted in the ballot; and

(c) has a reasonable explanation for using someone else's ballot material.

52.6 The Manager must keep ballot envelopes and declarations excluded under Sub-rule (d) separate from other ballot envelopes and declarations.

52.7 A declaration is valid only if:

(a) it complies with Sub-rule 52.3(a) and (b); and

(b) Rule 52.4 does not apply.

52.8 A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.

52.9 If a declaration is accepted as valid by the Manager the Manager must:

(a) note the acceptance of validity on the declaration; and

(b) record the correct ballot number on the roll against the name of the Voter who signed the declaration.

52.10 After separating the ballot envelopes and declarations, the Manager must, in the following order:

(a) seal the container holding declarations;

(b) open the ballot envelopes not excluded under Sub-rule 52.4 and take out the ballot papers;

(c) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under Sub-rule 53.2(e)';

(d) put all of the ballot papers in the ballot box.

53. Counting votes

53.1 To count votes the Manager of the election must:

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(a) admit the formal votes and reject the informal votes; and

(b) count the formal votes; and

(c) count the informal votes.

53.2 A vote is informal only if:

(a) the ballot paper is not initialed by the Manager and the Manager is not satisfied the paper is authentic; or

(b) the ballot paper is marked in a way that allows the Voter to be identified; or

(c) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or

(d) the ballot paper does not comply with a direction given under Rule 42.1(d); or

(e) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

54. Scrutineers' objections

54.1 Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

54.2 When votes are counted, a scrutineer may:

(a) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(b) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

54.3 If a scrutineer advises the Manager under Sub-rule 54.1 or 54.2(b), the Manager must:

(a) decide whether the error has been made; and

(b) if appropriate—direct action to correct or mitigate the error.

54.4 If a scrutineer objects under Sub-rule 54.2(a), the Manager must:

(a) decide whether the ballot paper is to be admitted or rejected; and

(b) note the decision on the ballot paper and initial the note.

55. Direction by Manager to leave count

55.1 The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(a) does not have the right to be present at the count; or

(b) interrupts the count, other than to exercise a scrutineer's right.

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Division 5—Election result

56. How result is decided

56.1 The method of deciding the result of a ballot is by a preferential system.

56.2 The manager shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate;

(i) the manager shall count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager shall:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate shall again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected;

(C) where there is a multiple office then the count shall continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons shall be declared elected.

(b) This rule is subject to rules 57 and 58.

57. What happens if votes for 2 or more Candidates are equal

57.1 If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

57.2 A decision under Rule 57.1 must be made in the presence of any scrutineer who wishes to attend.

58. What happens if multiple nominee elected

58.1 If a Candidate is elected to an office, other than as a trustee, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.

15. By inserting in Rule 66.12 words ", in accordance with those Rules," immediately following the word "shall", so that Sub-rule 65.12 provides as follows:

66.12 Sub-Branch Officers

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Sub-Branches shall, in accordance with those Rules, 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.

16. In Sub-rule 66.26(c) deleting "34.13" and inserting "66.13".

17. In Sub-rule 66.30 deleting "34.12" and inserting "66.12".

18. In Sub-rule 71.6 deleting "34.15" and inserting "66.15".

19. In Sub-rule 79.1(c) deleting "47.2" and inserting "79.2".

20. In Sub-rule 79.2 deleting "47.1" where it appears and inserting "78.1".

21. That the State Secretary be authorised to make such amendments as are required to ensure compliance with the Act and consistency with the balance of the Rules, provided that such amendments do not alter the intention of the foregoing resolutions.

22. That the State Secretary be directed to make application for amendment as soon as practicable.

Moved: W. Trohear
Seconded: B. Hall

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FORM 8
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 708
(No. of 2003)

APPLICATION FOR PARTIAL ALTERATION OF THE RULES OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

This is Schedule 2 mentioned in the affidavit of William Wallace Trohear.

Affirmed before me on this 29 day of January 2003.

Deponent

Justice of the Peace / Solicitor

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Form 8, R.49.

PRESENT RULE	RESOLUTION	NEW RULE
	The State Management Committee of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) resolves in relation to the Rules of the CFMEUQ:	
1.		
INDEX Rule — Description 1. Name and Office 2. Eligibility 3. Objects 4. Application for Membership 5. Entrance Fee 6. Contributions	To delete the Index in its entirety and insert in lieu thereof the following: ***INDEX*** *Rule* — *Description* *1. Name and Office* *2. Eligibility* *3. Objects* *4. Application for Membership* *5. Entrance Fee*	**INDEX** Rule — Description 1. Name and Office 2. Eligibility 3. Objects 4. Application for Membership 5. Entrance Fee 6. Contributions INDUSTRIAL REGISTRAR - 3 FEB 2003 QUEENSLAND

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7.	Financial Membership			7.	Financial Membership
		6.	*Contributions*		
8.	Resignation of Members			8.	Resignation of Members
		7.	*Financial Membership*		
9.	Transfer of Members			9.	Transfer of Members
		8.	*Resignation of Members*		
10.	Duties of Members			10.	Duties of Members
		9.	*Transfer of Members*		
11.	Misconduct of Members			11.	Misconduct of Members
		10.	*Duties of Members*		
12.	Appeals of Members and Sub-Branches to State Management Committee	11.	*Misconduct of Members*	12.	Appeals of Members and Sub-Branches to State Management Committee
		12.	*Appeals of Members and Sub-Branches to State Management Committee*		
13.	Control and Suspension of Members			13.	Control and Suspension of Members
		13.	*Control and Suspension of Members*		
14.	Register of Members and Officers			14.	Register of Members and Officers
		14.	*Register of Members and Officers*		
15.	Recovery of Arrears			15.	Recovery of Arrears
		15.	*Recovery of Arrears*		
16.	Property and Funds of the Union			16.	Property and Funds of the Union

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17.	Banking and Expenditure of Funds	16.	*Property and Funds of the Union*	17.	Banking and Expenditure of Funds
18.	State Management Committee	17.	*Banking and Expenditure of Funds*	18.	State Management Committee
19.	State Management Committee Finance	18.	*State Management Committee*	18A	Meetings of the State Management Committee
20.	State Executive	18A	*Meetings of the State Management Committee*	19.	State Management Committee Finance
21.	Duties of the State President	19.	*State Management Committee Finance*	20.	State Executive
22.	Duties of State Secretary	20.	*State Executive*	21.	Duties of the State President/State Vice-President
23.	Duties of Assistant Secretaries	21.	*Duties of the State President/State Vice-President*	22.	Duties of State Secretary
24.	Trustees	22.	*Duties of State Secretary*	23.	Duties of Assistant Secretaries
25.	Organisers	23.	*Duties of Assistant Secretaries*	24.	Trustees
26.	Removal of Officers				

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27.	Salaries of Officers			25.	Organisers
		24.	*Trustees*		
28.	Election of State Secretary, Assistant State Secretary, State Management Committee Members, Organisers	25.	*Organisers*	26.	Removal of Officers
		26.	*Removal of Officers*	27.	Salaries of Officers
		27.	*Salaries of Officers*	28.	Nomination ~~Election~~ of State President, State Secretary, Assistant State Secretary, State Management Committee Members, Organisers
29.	Elections from Management Committee	28.	*Election of State President, State Secretary, Assistant State Secretary, State Management Committee Members, Organisers*		
30.	Returning Officer and Scrutineers			29.	Election Procedures Definitions
31.	Delegates Meeting			30.	Manager of Election
32.	State Delegates Convention	29.	*Election Procedures Definitions*	31.	Closing Day and Time for Nominations
33.	Election of Delegates	30.	*Manager of Election*		
34.	Sub-Branches	31.	*Closing Day and Time for Nominations*	32.	Starting and Finishing Days of Ballot
35.	Aggregate Meetings	32.	*Starting and*		

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36.	Delegation Approval	*Finishing Days of Ballot*		33.	Calling for Nominations
37.	Shop Stewards	*33. Calling for Nominations*		34.	Nomination Procedures
38.	Apprentices	*34. Nomination Procedures*		35.	What Happens if a Nomination is Defective
39.	Audit of Accounts	*35. What Happens if a Nomination is Defective*		36.	When a Ballot Must be Held
40.	Special Auditors	*36. When a Ballot Must be Held*		37.	Election Without Ballot
41.	Donations/Loans	*37. Election Without Ballot*		38.	Roll – Preparation
42.	Interpretation of Rules	*38. Roll – Preparation*		39.	Roll - Inspection
43.	Affiliation	*39. Roll - Inspection*		40.	When Someone Can Claim a Right to Vote
44.	Disputes with Management	*40. When Someone Can Claim a Right to Vote*		41.	Ballot Papers
45.	Alteration of Rules				
46.	Dissolution				
47.	Ballots/Plebiscites - Control by Members				

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48.	Common Seal and Mode of Execution of Documents	*41.*	*Ballot Papers*	42.	Distribution Voting Material
49.	Standing Orders and Rules of Debate	*42.*	*Distribution Voting Material*	43.	Manager Must Keep a Ballot Box
50.	Merger Rule	*43.*	*Manager Must Keep a Ballot Box*	44.	Duplicate Voting Material
		44.	*Duplicate Voting Material*	45.	How Long Ballot is Open
		45.	*How Long Ballot is Open*	46.	How to Vote
		46.	*How to Vote*	47	How Many Votes May be Cast
		47	*How Many Votes May be Cast*	48.	How Manager Must Deal with Voting Material
		48.	*How Manager Must Deal with Voting Material*	49.	Scrutineers - Appointment
		49.	*Scrutineers - Appointment*	50.	Scrutineers' Rights

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50.	*Scrutineers' Rights*	51.	Scrutineers – Numbers Attending
51.	*Scrutineers – Numbers Attending*	52.	Initial Scrutiny of Voting Material
52.	*Initial Scrutiny of Voting Material*	53	Counting Votes
53	*Counting Votes*	54.	Scrutineers' Objections
54.	*Scrutineers' Objections*	55.	Direction by Manager to Leave Count
55.	*Direction by Manager to Leave Count*	56.	How Result is Decided
56.	*How Result is Decided*	57.	What Happens if Votes for 2 or More Candidates are Equal
57.	*What Happens if Votes for 2 or More Candidates are Equal*	58.	What Happens if Multiple Nominee Elected
58.	*What Happens if*		

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	Multiple Nominee Elected	59.	Collegiate Electoral System
59.	*Collegiate Electoral System*	60.	Casual Vacancies
60.	*Casual Vacancies*	61.	Exemption from Election
61.	*Exemption from Election*	62.	Returning Officer and Scrutineers
62.	*Returning Officer and Scrutineers*	63.	Delegates Meeting
63.	*Delegates Meeting*	64.	State Delegates Convention
64.	*State Delegates Convention*	65.	Election of Delegates
65.	*Election of Delegates*	66.	Sub-Branches
66.	*Sub-Branches*	67.	Aggregate Meetings
67.	*Aggregate Meetings*	68.	Delegation Approval
68.	*Delegation Approval*	69.	Shop Stewards

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69.	*Shop Stewards*	70.	Apprentices
70.	*Apprentices*	71.	Audit of Accounts
71.	*Audit of Accounts*	72.	Special Auditors
72.	*Special Auditors*	73.	Donations/Loans
73.	*Donations/Loans*	74.	Interpretation of Rules
74.	*Interpretation of Rules*	75.	Affiliation
75.	*Affiliation*	76.	Disputes with Management
76.	*Disputes with Management*	77.	Alteration of Rules
77.	*Alteration of Rules*	78.	Dissolution
78.	*Dissolution*	79.	Ballots/Plebiscites - Control by Members
79.	*Ballots/Plebiscites - Control by Members*	80.	Common Seal and Mode of Execution of

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		80. *Common Seal and Mode of Execution of Documents*	Documents
		81. *Standing Orders and Rules of Debate*	81. Standing Orders and Rules of Debate
2.			
15.	**RECOVERY OF ARREARS**	To delete Sub-rule 15.3 in Rule 15 and insert in lieu thereof "15.3 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and half years shall be waived by the Union." so that the Rule provides as follows:	15. **RECOVERY OF ARREARS**
15.1	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 State Secretary shall take the necessary steps for the recovery of such arrears.	*15. **RECOVERY OF ARREARS*** *15.1 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 State Secretary shall take the necessary steps for the*	15.1 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 State Secretary shall take the necessary steps for the recovery of such arrears.
15.2	The State Secretary 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.		15.2 The State Secretary 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.
15.3	The State Secretary may from time to time		15.3 The State Secretary may

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	place the collection of arrears of contributions owing by members in the hands of a solicitor or agent for collection.	*recovery of such arrears.* *15.2 The State Secretary 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.* *15.3 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and half years shall be waived by the Union.*	from time to time place the collection of arrears of contributions owing by members in the hands of a solicitor or agent for collection, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and half years shall be waived by the Union.
3.			
18.	**STATE MANAGEMENT COMMITTEE**	To delete Rule 18 in its entirety and insert the following, so that the Rule provides:	18. **STATE MANAGEMENT COMMITTEE**
18.1	On and from 2 January, 2001, the State Management Committee of the Union shall	*18.* ***STATE MANAGEMENT COMMITTEE***	18.1 On and from 1 January 2003, the State Management Committee of the Union

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consist of 16 members, including the State President (Honorary), State Secretary and 2 State Assistant Secretaries. One of the State Assistant Secretaries shall be elected by and from those members who are eligible for membership of the Union, by virtue of Sub-rule 2.1 and one of the State Assistant Secretaries shall be elected by and from those members who are eligible for membership of the Union, by virtue of Sub-rule 2.2 or 2.5. The State Secretary shall be elected by and from all members of the Union who are eligible to nominate and vote. There shall be 13 members on the State Management Committee who shall be elected by and from the three 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) 10 from those eligible for membership by virtue of Rule 2.1; (ii) 2 from those eligible for	*18.1 On and from 1 January 2003, the State Management Committee of the Union shall comprise of the following:* *(a) the State President;* *(b) the State Secretary;* *(c) the Assistant State Secretaries (if any)* *(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:* *(i) 10 from those eligible for membership by virtue of Rule 2.1;* *(ii) 2 from those eligible for membership*	shall comprise of the following: (a) the State President; (b) the State Secretary; (c) the Assistant State Secretaries (if any) (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i) 10 from those eligible for membership by virtue of Rule 2.1; (ii) 2 from those eligible for membership by virtue of Rule 2.2; (iii) 1 from those eligible for membership by virtue of Rule 2.5.

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membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, Union Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, State Assistant Secretary (if any) or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not

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Provided always that:

(i) the position of Union Secretary, State Assistant Secretary (if any) or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 The State Secretary, the State President and the State Assistant Secretaries (if any) shall be elected by ~~and from~~ all members of the Union, who are eligible to ~~nominate and~~ vote. and in accordance with these Rules

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18.3	The State Management Committee shall elect from its members a State President and 3 State Vice Presidents.	*be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.*	18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.
18.4	A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honourary.	*18.2 The State Secretary, the State President and the State Assistant Secretaries (if any) shall be elected by and from all members of the Union, who are eligible to nominate and vote.*	18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.
18.5	A special meeting of the State Management Committee may be called on a written requisition addressed to the Union Secretary signed by 6 members of the State Management Committee.	*18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.*	18.5 The State Management Committee shall, not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of State Assistant Secretaries (if any) to be elected.
18.6	The State Management Committee shall from time to time set down a scale of payments and/or honorariums as the case may be for Union Secretary, Union Assistant Secretaries, Union Trustees, Officials, Organisers, Union President, Union Vice-Presidents, members of the Management Committee, Union Returning Officers and Deputy Returning Officers, and Scrutineers.	*18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.*	18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum. 18.7 A special meeting of the State

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	18.5	*The State Management Committee shall, not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of State Assistant Secretaries (if any) to be elected.*
	18.6	*One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.*
	18.7	*A special meeting of the State Management Committee may be called on a written requisition addressed to the Union Secretary signed by 6 members of the State Management Committee.*
	18.8	*The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for Secretary, State Assistant*
		Management Committee may be called on a written requisition addressed to the State Union Secretary signed by 6 members of the State Management Committee.
	18.8	The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries (if any), State Trustees, Officials, State Organisers, Union President, State Union Vice-Presidents, members of the Management State Committee, Union Returning Officers and Deputy Returning Officers, and Scrutineers.

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	Secretaries (if any), State Trustees, Officials, Organisers, Union President, Union Vice-Presidents, members of the Management Committee, Union Returning Officers and Deputy Returning Officers, and Scrutineers.	
4.		
20. **STATE EXECUTIVE** 20.1 The State Management Committee shall elect from its members an executive of 8 members including the State President, State Secretary and 2 State Assistant Secretaries and 4 members, 2 of whom are eligible for membership pursuant to Rule 2.1, one of whom is eligible for membership pursuant to Rule 2.2 and one of whom is eligible for membership pursuant to Rule 2.5. 20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.	To delete Sub-rule 20.1 in Rule 20 and insert in lieu thereof "20.1 There shall be a State Executive which shall comprise of the following: (a) the State President; (b) the State Secretary; (c) the State Assistant Secretaries (if any); (d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5."	20. **STATE EXECUTIVE** 20.1 There shall be a State Executive which shall comprise of the following: (a) the State President; (b) the State Secretary; (c) the State Assistant Secretaries (if any); (d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2

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20.3 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.	so that the Rule provides as follows:	and 1 of whom is eligible for membership pursuant to Rule 2.5.
20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.	*20. STATE EXECUTIVE*	20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.
20.5 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:	*20.1 There shall be a State Executive which shall comprise of the following:*	20.3 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.
(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the	*(a) the State President;* *(b) the State Secretary;* *(c) the State Assistant Secretaries (if any);* *(d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.*	20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.
	20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.	20.5 Notwithstanding anything

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	circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or	*20.3* *The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.*	hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:
	(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.	*20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.*	(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or
20.6	If the State President is absent from a meeting of the State Executive a Vice-President, as determined by these Rules, shall act and shall have the powers of the President while so acting.	*20.5 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:*	(b) a ballot of the State Executive members may be conducted on such a
20.7	If at any meeting of the State Executive no quorum be present at the expiry of 30	*(a) a meeting of the State*	

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minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

20.8 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

20.9 A member of the State Executive absent

Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be

matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.6 If the State President is absent from a meeting of the State Executive a Vice-President, as determined by these Rules, shall act and shall have the powers of the President while so acting.

20.7 (a) If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has

(b) One half plus one of the number of the members of the State Executive holding office shall constitute a quorum

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from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

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available.

20.6 If the State President is absent from a meeting of the State Executive a Vice-President, as determined by these Rules, shall act and shall have the powers of the President while so acting.

20.7 If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

20.8 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

20.9 A member of the State Executive absent from three consecutive meetings thereof without satisfactory

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		20.8 *The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.* 20.9 *A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.*	explanation may be charged and dealt with in accordance with Rule 26.
5.			
23.	**DUTIES OF ASSISTANT SECRETARIES**	To delete Rule 23 in its entirety and insert the following, so that the Rule provides:	23. **DUTIES OF ASSISTANT STATE SECRETARIES**

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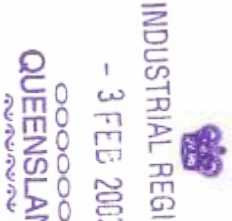
23.1 There shall be two (2) Assistant State Secretaries, one of each who shall come from the classes of membership described in Sub-rules 2.1 and 2.2.	***23 – DUTIES OF ASSISTANT STATE SECRETARIES***	23.1 The Assistant State Secretaries (if any) shall work under the direction of the State Management Committee and the State Secretary.
23.2 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 21 and one shall act as the Acting State Secretary in the absence of the State Secretary as directed by the State Management Committee. Such Assistant State Secretary shall be subject to Union Rules 22.13 and 26.	*23.1 The Assistant State Secretaries (if any) shall work under the direction of the State Management Committee and the State Secretary.*	23.2 The Assistant State Secretary (if any) shall assist the State Secretary in carrying out the duties set out in Rule ~~21~~ 22.
	23.2 The Assistant State Secretary (if any) shall assist the State Secretary in carrying out the duties set out in Rule 21.	23.3 In the absence of the State Secretary one of the Assistant State Secretaries (if any) shall act as the Acting State Secretary as directed by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall appoint an officer to act as Acting State Secretary.
23.3 An Assistant State Secretary shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee.	*23.3 In the absence of the State Secretary one of the Assistant State Secretaries (if any) shall act as the Acting State Secretary as directed by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall appoint an officer to act as Acting State Secretary.*	23.4 Any Acting State Secretary shall be subject to Rules ~~21~~ 22.13 and 26.

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	*23.4 Any Acting State Secretary shall be subject to Rules 21.13 and 26.* *23.5 An Assistant State Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.*	23.5 An Assistant State Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.
6.		
24. **TRUSTEES** 24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries.	By deleting Sub-rule 24.1 and inserting "24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary." and by deleting Sub-rule 24.4 and inserting "24.4 On	24. **TRUSTEES** 24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no

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24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary." so that Rule 24 provides as follows:

*24. **TRUSTEES***

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as

Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary then the officer

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Acting State Secretary.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary then the officer appointed by the State Management Committee as Acting State Secretary.

appointed by the State Management Committee as Acting State Secretary.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

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	24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.	
7.		
28. **ELECTION OF STATE PRESIDENT, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS**	By deleting "28.3" in Sub-rule 28.1 and inserting in lieu thereof "28.2", deleting Sub-rules 28.2, 28.5-28.37, renumbering Sub-rules 28.3 as 28.2 and 28.4 as 28.3, by inserting "28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be." so that Rule 28 provides as follows:	28. NOMINATION STATE ELECTION OF STATE PRESIDENT, STATE VICE PRESIDENTS, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS
28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.3 may nominate for such positions according to this scale. Provided that any member who has ceased to work in the industry of the Union and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has	*28. NOMINATION ~~ELECTION~~ OF STATE PRESIDENT, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS* *28.1 Any member of the Union who is*	28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.2 may nominate for such positions according to this scale. Provided that any member who has ceased to work in the industry of the Union and has reached the age

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reached the age of sixty-five (65) years may nominate for a full time position. 28.2 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. 28.3 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 – Three years financial membership Assistant State Secretaries – Three years financial membership State Management Committee Members – One years financial membership District Secretary/Organiser – One years financial membership State Organisers – One years financial membership 28.4 The term of Office for the above positions shall be four years.	*financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.2 may nominate for such positions according to this scale.* *Provided that any member who has ceased to work in the industry of the Union 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.* *28.2 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 financial membership*	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. 28.2 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 financial membership Assistant State Secretaries – Three years financial membership State President – Three years financial membership State Vice-President –Three years financial membership State Management Committee members – One year's financial membership District Secretary/Organiser – One year's financial membership State Organisers – One year's financial membership

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28.5 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. 28.6 All Sub-Branches shall be notified by circular of the opening and closing date of nominations. 28.7 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 Union Office and a receipt thereupon obtained. 28.8 Nominations shall be closed at 4 p.m. on the last Friday of September in the year of	*Assistant State Secretaries – Three years financial membership* *State President – Three years financial membership* *State Vice-President –Three years financial membership* *State Management Committee members – One year's financial membership* *District Secretary/Organiser – One year's financial membership* *State Organisers – One year's financial membership* *28.3 The term of Office for the above positions shall be four years.* *28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to*	28.3 The term of Office for the above positions shall be four years. 28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.

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	election. Nominations must be received by the Returning Officer by that time on that date to be eligible.	*by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.*	
28.9	reserved		
28.10	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.		
28.11	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 State Executive and candidates by		

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	submitting a Returning Officer's report to the State Secretary.		
28.12	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.		
28.13	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.		
28.14	Such ballot papers shall have printed thereon only the title of the Office to be		

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	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.		
28.15	Where a ballot is required, the State 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 State Rules to the Returning Officer.		
28.16	The Returning Officer shall on a date which will enable the ballot paper to be posted not later than 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		

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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:

(a) 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;

(b) an empty unsealed pre-paid post envelope addressed to the Returning Officer, C/- the numbered mail box referred to in this Rule;

(c) 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;

(d) the candidates statement provided

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for and in accordance with these Rules.

Provided that a financial member who will be unable to receive a ballot paper at the residential or postal address appearing in the Union records may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

28.17 For the purposes of the election, the books of the Union shall be deemed to have closed as of the 31st August in the year of election.

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

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28.19	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 these Rules.		
28.20	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.		
28.21	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 Union, the Returning Officer		

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	shall cause the lock to be changed.		
28.22	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.		
28.23	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 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.		
28.24	Any candidate at the candidates own expense, may appoint a financial member of the Union to act as scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may		

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	be present at any stage of the counting of the ballot provided that the Returning Officer is also present.		
28.25	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.		
28.26	The counting of the ballot shall be completed not later than the 1st day of December following the ballot.		
28.27	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.		
28.28	The Returning Officer shall declare the successful candidates elected and notify the State Executive of the result of the ballot and the State Executive shall issue instructions for the publication of same in their minutes and in the Union journal.		

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	The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the State.		
28.29	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.		
28.30	The successful candidates shall remain elected until their successors take up Office.		
28.31	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.		

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28.32	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.		
28.33	Should a casual vacancy occur in any of the abovementioned Offices and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.		
28.34	Should a casual vacancy occur in any of the abovementioned Offices and the unexpired portion of the term of office is		

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	more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.		
28.35	"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.		

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28.36	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		

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	the case may be, who has received an absolute majority of votes shall be elected.		
28.37	Candidates for an election in the Union shall be provided with equal opportunity to express their views to members of the Union in a statement that is:		
	(a) provided to each member of the Union with the election ballot papers; and		
	(b) published on a single A4 sheet of paper, printed on one or both sides in a way which is clearly readable and which includes the candidates name and such other details as may be decided by the candidate; and		
	(c) the cost of the publication is met by the Union.		

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29. **ELECTIONS FROM MANAGEMENT COMMITTEE**	By deleting Rule 29 and inserting in lieu thereof the following as Rule 59:	59. **ELECTIONS FROM MANAGEMENT COMMITTEE**
29.1 In any election from the State Management Committee the procedures set out in this Rule shall be observed.	*59. **ELECTIONS FROM MANAGEMENT COMMITTEE***	59.1 The State Vice-President shall be elected by a Collegiate Electoral System.
29.2 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 State Trustees at the meeting 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.	*59.1 The State Vice-President shall be elected by a Collegiate Electoral System.*	59.2 The Electoral College shall in relation to the office of State Vice-President be the State Management Committee.
29.3 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	*59.2 The Electoral College shall in relation to the office of State Vice-President be the State Management Committee.*	59.3 The outgoing State Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of this Rule "the Manager"), and the Manager shall be subject to the provisions of the Election Procedure Rules.
	59.3 The outgoing State Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of this Rule "the Manager"), and the Manager shall be subject to the provisions of the Election Procedure Rules.	59.4 The Manager shall call for nominations from among members of the Electoral College subject to these Rules, by written notice to each member.
	59.4 The Manager shall call for nominations from among members of the Electoral College subject to these Rules, by written notice to	

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	President. Such notification shall be sent to the State President not later than the time fixed for the commencement of the meeting.		*each member.*	59.5	Nominations shall be in writing, signed by the candidate and seconded in accordance with these Rules and shall be delivered to the Manager prior to the commencement of the first meeting of the State Management Committee next following the election of members of the Electoral College (for the purposes of this Rule "the Meeting").
29.4	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.	59.5	*Nominations shall be in writing, signed by the candidate and seconded in accordance with this Rule and shall be delivered to the Manager prior to the commencement of the first meeting of the State Management Committee next following the election of members of the Electoral College (for the purposes of this Rule "the Meeting").*	59.6	If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.
29.5	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.	59.6	*If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.*	59.7	The Manager shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at
29.6	The Returning Officer shall initial all ballot papers which shall not bear any	59.7	*The Manager shall notify each*		

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	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.		*member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the meeting.*		the meeting.
29.7	Voting shall close one hour after the commencement of the meeting or at such times as all State Management Committee members have voted.	*59.8*	*If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.*	59.8	If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.
29.8	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	*59.9*	*If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College by means of a preferential system of voting as defined in the election procedures, which election procedures shall apply to the count.*	59.9	If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College by means of a preferential system of voting as defined in the election procedures, which election procedures shall apply to the count.
		59.10	*Any candidates may appoint a scrutineer, and the provision of the Scrutineers - Appointment Rule of*	59.10	Any candidates may appoint a scrutineer, and the provision of the ~~Scrutineers - Appointment Rule of the~~ Election Procedure Rules in relation to scrutineers shall apply.

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be declared elected.	*the Election Procedure Rules in relation to scrutineers shall apply.*	
29.9 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.	*59.11 The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.*	59.11 The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.
29.10 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.	*59.12 The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.*	59.12 The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.
29.11 Should a casual vacancy occur in any of the Offices for which this rule provides the means of election, and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.	*59.13 Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Manager for an*	59.13 Any member who will not be present at the meeting at which the ballot is to be held may (ca) lodge a request with the Manager for an absentee vote, together with an address where such member can
29.12 Should a casual vacancy occur in any of the Offices for which this rule provides the		

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means of election and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.	*absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.*	receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote; or
29.13 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.	*59.14 The candidate or candidates securing the highest number of votes shall be declared elected.*	(b) appoint another member of the Electoral College to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote. 59.14 The candidate or candidates securing the highest number of votes shall be declared elected.
29.14 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.	*59.15 The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.*	59.15 The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.
	59.16 The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.	59.16 The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.

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	The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.		
29.15	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.		
29.16	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 the candidates behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.		
29.17	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.		

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29.18 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. 29.19 Scrutineers shall, as far as practicable, be present at all stages of the ballot. 29.20 They shall obey any directions given to them by the Returning Officer. 29.21 If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.		
9.		
	By inserting the following as Rule 60, so that the Rule provides as follows:	60. **CASUAL VACANCIES** 60.1 Should a casual vacancy occur in

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	60. *CASUAL VACANCIES*	
	60.1 *Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.*	any of the Offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.
	60.2 *Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.*	60.2 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.
	By renumbering Rule 28A as Rule 61, so that it	61. EXEMPTION FROM

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(1) For the purposes of this rule: (a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time. (b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relations Act 1996*. (2) The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months. (3) To the extent that the term of office for the	provides as follows: *61. EXEMPTION FROM ELECTIONS* *61.1 For the purposes of this rule:* a) *"Counterpart Federal Body" shall have the meaning given to it by the Industrial Relations Act 1999, as that Act may be amended from time to time.* b) *The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the Workplace Relations Act 1996.* *61.2 The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart*	ELECTIONS 61.1 For the purposes of this rule: a) "Counterpart Federal Body" shall have the meaning given to it by the Industrial Relations Act 1999, as that Act may be amended from time to time. d) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the Workplace Relations Act 1996. 61.2 The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is

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officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.		*Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.*	practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.
(4) Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.			
(5) The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.	*61.3*	*To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.*	61.3 To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.
(6) Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held			

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pursuant to Rule 28 of these rules shall not be held provided that:- a. the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body; b. the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application; c. in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules. (7) That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-		*deemed to have been made.* *61.4 Whilst the CFMEU is a counterpart federal body of the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.* *61.5 The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a*	61.4 61.5	Whilst the CFMEU is a counterpart federal body of the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union. The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

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The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction & General Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii))	Qld State Assistant Secretary (Rule 2.1)
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2(A)(b))	Qld State Assistant Secretary (Rule 2.2)
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers

counterpart federal body.

61.6 Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

a) *the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;*

b) *the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;*

61.6 Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

b) the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

c) in the event of the exemption not being granted or being only

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c) *in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.*

61.7 *That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-*

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant	Qld State Assistant Secretary (Rule 2.1)
Qld Construction Workers Divisional Branch President	Qld State President

partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) &	Qld State Assistant Secretary (Rule 2.1)
Qld Construction Workers Divisional Branch President	Qld State President
~~Qld Construction~~ Workers Divisional Branch Vice-Presidents (Rule 2 (A)(A)(3)(i) ~~and (ii) &~~	~~State Vice-Presidents~~

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		Qld Construction Workers Divisional Branch President	Qld State President	~~and (ii) &~~ 2(A)(b))/FFTS Union Qld Divisional Branch Honorary Vice-President	
		Qld Construction Workers Divisional Branch Vice-Presidents (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS Union Qld Divisional Branch Honorary Vice-President	State Vice-Presidents	Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
		Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)	Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
		Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)	FFTS Union Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
		FFTS Union Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)	Qld Construction Workers Divisional Branch Organisers	Qld State Organisers
		Qld Construction Workers Divisional Branch Organisers	Qld State Organisers		
11.					
30.	**RETURNING OFFICER AND SCRUTINEERS**	By deleting Sub-rule 30.1 and inserting "30.1 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		62.	**RETURNING OFFICER AND SCRUTINEERS**
30.1	The State Management Committee shall			62.1	The State Management

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appoint a Returning Officer and two scrutineers who shall not hold any Office in, and not be an employee of the Union or a Sub-Branch, to conduct all required ballots, including the quadrennial ballot. The State Management Committee shall appoint only 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.	Union or a Sub-Branch, to be conducted, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time, including the quadrennial ballot. The State Management Committee shall appoint only after applications of 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 as its last meeting prior to the quadrennial ballot." and renumbering the Rule as Rule 62 so that Rule 62 provides as follows: 62. ***RETURNING OFFICER AND SCRUTINEERS*** *62.1 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 Union or a Sub-Branch, to be conducted, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time, including the quadrennial ballot. The State*	Committee shall appoint a Returning Officer and two scrutineers who shall not hold any Office in, and not be an employee of the Union or a Sub-Branch, to ~~be conducted~~ ballots pursuant to the Industrial Relations Act 1999 as it may be amended from time to time, including the quadrennial ballot. The State Management Committee shall appoint only 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. 62.2 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

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	Management Committee shall appoint only after applications of 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 as its last meeting prior to the quadrennial ballot.	of the Union.
	62.2 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.	62.3 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.
	62.3 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	

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		in the capital city and in each Sub-Branch or district area at least twenty-eight (28) days before the closing of nominations.	
12.			
		By numbering Rule 31-49 as Rules 63-81.	
13.			
50.	**MERGER RULE**	By deleting Rule 50.	
50.1	In this Rule the following words and phrases have the meaning assigned hereunder:		
	Amalgamation Day - The date fixed by the Industrial Relations Commission as the date on which the amalgamation between the ASCJBPPDAU EQ and the FFTS took effect.		
	Merger Day - The date on which the merger between the Construction and General Divisional		

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	Branch and the Furnishing Industrial Divisional Branch takes effect.		
50.2	Notwithstanding anything else in these Rules, the provisions of this Rule shall apply from merger day to the date that persons elected pursuant to the declaration of elections in 2000 held in accordance with these Rules, take office on the 2nd of January, 2001, 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, 2001 provided that the provisions of this Rule shall continue to operate until a sufficient number of Officers, members of State Executive and members of the State Management Committee as will enable the Officers, the State Executive and the State Management Committee to perform the functions conferred on them by these Rules, have been declared elected at those elections, and have taken office.		
50.3	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 provided that of the votes cast 2/3 of the total vote are cast in favour of any such alteration.		
50.4	On merger day the State Executive shall be as set out hereunder:		

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	State President P. Stone State Secretary W. Trohear Assistant Secretary G. Howcroft Assistant Secretary P. Waters member R. Bostock member R. Beattie member B. Daniel member G. Williams		
50.5	On merger day the members of the State Management Committee shall be as set out hereunder: (a) the State Executive as provided for in Sub-rule 50.4 of this Rule; (b) the members of the Construction and General Divisional Branch State Management Committee as constituted on the day immediately preceding merger day; (c) the members of the Furnishing Industrial Divisional Branch Committee of Management as constituted on the day immediately preceding merger day.		
50.6	Each member of State Management Committee shall, on and from the day following merger day and until the 2nd January, 2001, exercise a vote on the State Management Committee on the following basis:		

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(a)	each member of the State Management Committee who is eligible for membership of the Union by virtue of Rule 2.1 shall exercise a vote equal to the percentage of financial members of the Union who are eligible for membership by virtue of Rule 2.1 divided by the number of members of the State Management Committee who are eligible for membership by virtue of Rule 2.1 and who are entitled to vote on State Management Committee;		
(b)	each member of the State Management Committee who is eligible for membership of the Union by virtue of Rule 2.2 shall exercise a vote equal to the percentage of financial members of the Union who are eligible for membership by virtue of Rule 2.2 divided by the number of members of the State Management Committee who are eligible for membership by virtue of Rule 2.2 and who are entitled to vote on State Management Committee;		
(c)	each member of the State Management Committee who is eligible for membership of the Union by virtue of Rule 2.5 shall exercise a vote equal to the		

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percentage of financial members of the Union who are eligible for membership by virtue of Rule 2.5 divided by the number of members of the State Management Committee who are eligible for membership by virtue of Rule 2.5 and who are entitled to vote on State Management Committee.

50.7 Nothing in Sub-rule 50.6 shall prevent proxy voting or multiple voting.

50.8 There shall be a State Delegates Convention in accordance with Rule 32 and the first State Delegates Convention following merger day shall be held in 2000.

50.9 Each person who was immediately before merger day a financial member of the Construction and General Divisional Branch or the Furnishing Divisional Branch shall be on merger day a financial member of the Union for as long as such person would have remained a financial member under the Rules of the Construction and General Divisional Branch or the Furnishing Divisional Branch and thereafter subject to these Rules. Provided that a member of the Union who was on the day preceding merger day an unfinancial member of the Construction and General Divisional Branch or the Furnishing Divisional Branch shall remain unfinancial until the

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	member becomes financial in accordance with the Rules of the Union.		
50.10	A member of the Union who, on the day preceding merger day was a duly appointed, credentialled or elected Shop Steward, Job Steward, Workplace Representative or other Representative howsoever titled, of the Construction and General Divisional Branch or the Furnishing Divisional Branch shall continue in that capacity on behalf of the Union, subject to the Rules of the Union.		
50.11	Any Sub-Branches, Lodges, District Committees, Regional Committees of Stewards, Regional Committees of Workplace Representatives, howsoever called, established pursuant to the Rules of the Construction and General Divisional Branch or the Furnishing Divisional Branch and in existence on the day preceding merger day shall on merger 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.		
50.12	All property and other assets of the Construction and General Divisional Branch or the Furnishing Divisional Branch held respectively by the Construction and General Divisional Branch or the Furnishing Divisional Branch on the day preceding merger day		

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shall be held by the Union on merger day. Provided that on merger day there shall in accordance with the Rules of the Union be a Union Fund and all funds, assets or real property held respectively in the Divisional Branch Fund of the Construction and General Divisional Branch or the Furnishing Divisional Branch and any funds, assets or real property the beneficial use of which derived respectively to the Divisional Branch Fund of the Construction and General Divisional Branch or the Furnishing Divisional Branch on the day prior to merger day, shall on merger day be attributed to the use and benefit of the Union Fund.

50.13 The liabilities of the Construction and General Divisional Branch owed by the Construction and General Divisional Branch on the day preceding amalgamation day shall become the liabilities of the Union on merger day.

50.14 The liabilities of the Furnishing Industrial Divisional Branch owed by the Furnishing Industrial Divisional Branch on the day preceding amalgamation day shall become the liabilities of the Union on merger day, excepting any liabilities of the Furnishing Industrial Divisional Branch which existed on the day preceding merger day in relation to monies owed to the FFTS Division of the Construction, Forestry, Mining and Energy Union in respect of the period prior to the 1st April, 1998 which such liability is recognised as forgiven by

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	the FFTS Division of the Construction, Forestry, Mining and Energy Union as and from merger day.		
50.15	Any affiliation to a state or national organisation by the Construction and General Divisional Branch or the Furnishing Divisional Branch shall be maintained by the Union subject to the Rules of the Union.		
50.16	If on merger 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 State Executive is empowered to fill the vacancy by an appointment made from: (a) where the person who is not available for any reason to hold an Office or has declined to hold an Office was eligible immediately preceding merger day pursuant to Sub-rule 2.1 from members of the Union who are eligible pursuant to Sub-rule 2.1; (b) where the person who is not available for any reason to hold an Office or has declined to hold an Office was eligible immediately preceding merger day pursuant to Sub-rule 2.2 from members of the Union who are eligible pursuant to Sub-rule 2.2;		

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(c) where the person who is not available for any reason to hold an Office or has declined to hold an Office was eligible immediately preceding merger day pursuant to Sub-rule 2.5 from members of the Union who are eligible pursuant to Sub-rule 2.5.

50.17 Subject to Sub-rule 50.16 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 50.4 and 50.5 the vacancy shall be filled by the State Executive by an appointment made from:

(a) where the casual vacancy occurs in relation to a person who was eligible immediately preceding merger day pursuant to Sub-rule 2.1from members of the Union who are eligible pursuant to Sub-rule 2.1;

(b) where the casual vacancy occurs in relation to a person who was eligible immediately preceding merger day pursuant to Sub-rule 2.2 from members of the Union who are eligible pursuant to Sub-rule 2.2;

(c) where the casual vacancy occurs in relation to a person who was eligible immediately preceding merger day pursuant to Sub-rule 2.5 from members of the Union

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who are eligible pursuant to Sub-rule 2.5.

50.18 Elections shall occur in respect of all offices of the Union in 2000 with officers to take office from the 02.01.2001.

50.19 The annual subscription fees to be paid by members of the Union subsequent to merger day shall be:-

(a) for members who were members of the Construction and General Divisional Branch 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 Furnishing Divisional Branch on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day.

50.20 For entrants to the Union who were not members of the Construction and General Divisional Branch or the Furnishing Divisional Branch on the day prior to merger day:

(a) for new members whose eligibility for membership is pursuant to Sub-rules 2.1, or 2.2 an amount equivalent to the level of fees of members of the

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	Construction and General Divisional Branch on the day prior to merger day; (b) for new members whose eligibility for membership is pursuant to Sub-rule 2.5 an amount equivalent to the level of fees of members of the Furnishing Divisional Branch on the day prior to merger day. Provided always that the State Executive of the Union shall be able to determine the scales of subscription fees in relation to members in accordance with these Rules.		
14.			
		By inserting the following as Rules 29-58, so that the Rules provides as follows: *29. Election Procedure Definitions* *Definitions:* *"ballot box" means a ballot box kept under Rule 43.* *"Candidate", for an election, means a*	29. Election Procedure Definitions Definitions: "ballot box" means a ballot box kept under Rule 43. "Candidate", for an election, means a person: (a) who has nominated as a Candidate

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	person: *(a) who has nominated as a Candidate for the office the election is about; and* *(b) whose nomination has been accepted under Rule 34.3; and* *(c) whose nomination has not been withdrawn.* *"Election Procedures Rules" means Rules 29 – of these Rules.* *"eligible member" means a person who was a financial member of the Union 30 days before the starting time for nominations.* *"higher office" means:* *(a) for the office of State Management Committee member—any office other than the office of trustee; or*	for the office the election is about; and (b) whose nomination has been accepted under Rule 34.3; and (c) whose nomination has not been withdrawn. "Election Procedures Rules" means Rules 29 – 58 of these Rules. "eligible member" means a person who was a financial member of the Union 30 days before the starting time for nominations. "higher office" means: (a) for the office of State Management Committee member—any office other than the office of trustee; or (b) for the office of Assistant State Secretary - the office of State Secretary, State Vice President or State President (b) for the office of State Secretary— the office of State Vice-President or State President; or

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	(b) for the office of State Secretary—the office of State Vice-President or State President; or	(c) for the office of State Vice-President—the office of State President.
	(c) for the office of State Vice-President—the office of State President.	"industry sub-group" mean the industry sub-groups respectively provided by Sub-rules 2.1, 2.2, and 2.5 of these Rules.
	"industry sub-group" mean the industry sub-groups respectively provided by Sub-rules 2.1, 2.2, and 2.5 of these Rules.	"initialed" by the Manager of an election includes being marked with a facsimile of the Manager's initials.
	"initialed" by the Manager of an election includes being marked with a facsimile of the Manager's initials.	"Manager of an Election" means:
	"Manager of an Election" means:	(a) the electoral officer conducting the election or ballot; or
	(a) the electoral officer conducting the election or ballot; or	(b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.
	(b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.	"member" means a member of the Union.
		"preferential voting" shall mean a system of voting in which the voter shall place a number 1 in the

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	"member" means a member of the Union. *"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.* *"return envelope" see Rule 42.1 (c).* *"roll", for an election, means the roll of Voters prepared for the election under Rule*	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. "return envelope" see Rule 42.1 (c). "roll", for an election, means the roll of Voters prepared for the election under Rule 38. "scrutineer" means: (a) a Candidate who acts personally as a scrutineer; or (b) a person appointed as a scrutineer

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	38.	for a Candidate under Rule 49.
	"scrutineer" means:	"State Secretary" means:
	(a) a Candidate who acts personally as a scrutineer; or	(a) the person holding office as the Union's State Secretary; or
	(b) a person appointed as a scrutineer for a Candidate under Rule 49.	(b) another officer of the Union, however described, who has the functions of the Union's State Secretary.
	"State Secretary" means:	"trustee" means the office of a person holding, whether as trustee or otherwise, property:
	(a) the person holding office as the Union's State Secretary; or	(a) of the Union; or
	(b) another officer of the Union, however described, who has the functions of the Union's State Secretary.	(b) that the Union has a beneficial interest in.
	"trustee" means the office of a person holding, whether as trustee or otherwise, property:	"Voter" means a person:
	(a) of the Union; or	(a) who is an eligible member; and
		(b) whose name is on the roll under Rule 38.

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	(b) that the Union has a beneficial interest in. *"Voter" means a person:* *(a) who is an eligible member; and* *(b) whose name is on the roll under Rule 38.* *"voting material" see Rule 42.1.*	"voting material" see Rule 42.1.
	PART 2—MANAGER OF ELECTION *30. Manager of election—functions and powers* *30.1 The Manager of an election:* *(a) must not influence, or attempt to influence, the outcome of the election; and* *(b) must conduct the election under these Election Procedure Rules except where the Rules expressly provide*	PART 2—MANAGER OF ELECTION 30. Manager of election—functions and powers 30.1 The Manager of an election: (a) must not influence, or attempt to influence, the outcome of the election; and (b) must conduct the election under these Election Procedure Rules except where the Rules expressly provide

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	otherwise; and	otherwise; and
	(c) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and	(c) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and
	(d) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.	(d) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.
	30.2 The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:	30.2 The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:
	(a) to ensure no irregularities happen in the election; or	(a) to ensure no irregularities happen in the election; or
	(b) to remedy a procedural defect that appears to the Manager to exist about the election.	(b) to remedy a procedural defect that appears to the Manager to exist about the election.

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	30.3 To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.	30.3 To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.
	PART 3—PRE-ELECTION PROCEDURES *31. Closing day and time for nominations* *31.1 The Manager of the election must fix the opening day and closing day for nominations for office.* *31.2 The closing day must be at least 28 days after notice is given under Rule 33.* *31.3 Nominations open at midday on the opening day and close at midday on the closing day.* *32. Starting and finishing days of*	PART 3—PRE-ELECTION PROCEDURES 31. Closing day and time for nominations 31.1 The Manager of the election must fix the opening day and closing day for nominations for office. 31.2 The closing day must be at least 28 days after notice is given under Rule 33. 31.3 Nominations open at midday on the opening day and close at midday on the closing day.

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	ballot	32. Starting and finishing days of ballot
	32.1 If a ballot becomes necessary under Rule 36, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.	32.1 If a ballot becomes necessary under Rule 36, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.
	32.2 The start day must not be before the closing day for nominations for the offices to be filled at the election.	32.2 The start day must not be before the closing day for nominations for the offices to be filled at the election.
	33. Calling for nominations	33. Calling for nominations
	33.1 The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:	33.1 The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:
	(a) by post to each member at the address recorded in the members register;	(a) by post to each member at the address recorded in the members register;

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	(b) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter; Or
	(c) in a daily newspaper circulating in the area where the Union's members live or work.
	33.2 The notice must state:
	(a) the opening day for nominations; and
	(b) the closing day for nominations; and
	(c) that nominations for office:
	(i) open at midday
	(b) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter; Or
	(c) in a daily newspaper circulating in the area where the Union's members live or work.
	33.2 The notice must state:
	(a) the opening day for nominations; and
	(b) the closing day for nominations; and
	(c) that nominations for office:

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	on the opening day; and	(i) open at midday on the opening day; and
	(ii) close at midday on the closing day; and	(ii) close at midday on the closing day; and
	(iii) who may nominate as a Candidate in the election; and	(iii) who may nominate as a Candidate in the election; and
	(iv) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and	(iv) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and
	(v) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 36; and	(v) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 36; and
	(vi) that only a person who	(vi) that only a person who was a financial member

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	was a financial member 30 days before the opening time for nominations may Vote in the election; and	30 days before the opening time for nominations may Vote in the election; and
	(vii) that the ballot will be decided by a preferential system of voting.	(vii) that the ballot will be decided by a preferential system of voting.
	34. Nomination procedure	34. Nomination procedure
	34.1 A nomination for office must be written, signed by the nominee, otherwise comply with these Rules and be given to the Manager of the election before nominations close.	34.1 A nomination for office must be written, signed by the nominee, otherwise comply with these Rules and be given to the Manager of the election before nominations close.
	34.2 A person may nominate for more than 1 office.	34.2 A person may nominate for more than 1 office.
	34.3 The Manager must accept a nomination if:	34.3 The Manager must accept a nomination if:
	(a) it complies with Sub-rule 34.1; and	(a) it complies with Sub-rule 34.1; and

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(b) the nominee is an eligible member and is otherwise entitled pursuant to these Rules to nominate; and

(c) the nominators are entitled pursuant to these Rules to nominate the nominee; and

(d) these Rules, in so far as they expressly provide in relation to the nomination process, are complied with.

34.4 A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

35. What happens if a nomination is defective

35.1 The Manager of the election must reject a nomination given to the Manager of the election after

(b) the nominee is an eligible member and is otherwise entitled pursuant to these Rules to nominate; and

(c) the nominators are entitled pursuant to these Rules to nominate the nominee; and

(d) these Rules, in so far as they expressly provide in relation to the nomination process, are complied with.

34.4 A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

35. What happens if a nomination is defective

35.1 The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

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nominations have closed.

35.2 If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:

(a) reject it; and

(b) give the nominee notice of the defect; and

(c) if practicable, give the nominee an opportunity to remedy the defect.

35.3 If practicable, the notice must be given before nominations close.

35.4 Failure to give the notice does not invalidate the election.

36. When a ballot must be held

35.2 If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:

(a) reject it; and

(b) give the nominee notice of the defect; and

(c) if practicable, give the nominee an opportunity to remedy the defect.

35.3 If practicable, the notice must be given before nominations close.

35.4 Failure to give the notice does not invalidate the election.

36. When a ballot must be held

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If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the Election Procedure Rules.

37. Election without ballot

37.1 The Manager of the election must declare a Candidate elected to an office if:

(a) nominations have closed; and

(b) the Candidate does not hold another office; and

(c) the Candidate has:

(i) not nominated for a higher office; or

(ii) nominated for a higher office and is not elected to

If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the Election Procedure Rules.

37. Election without ballot

37.1 The Manager of the election must declare a Candidate elected to an office if:

(a) nominations have closed; and

(b) the Candidate does not hold another office; and

(c) the Candidate has:

(i) not nominated for a higher office; or

(ii) nominated for a higher office and is not elected to the higher office;

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	the higher office; and *(d) if the election is for President or Secretary—the Candidate is the only Candidate; or* *(e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.*	and (d) if the election is for President or Secretary—the Candidate is the only Candidate; or (e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.
	PART 4—CONDUCTING BALLOTS *Division 1—General* *38. Roll—preparation* *38.1 A roll for a ballot must be prepared at the direction of the Manager of the election.* *38.2 The Manager must ensure the roll:* *(a) states:*	PART 4—CONDUCTING BALLOTS Division 1—General 38. Roll—preparation 38.1 A roll for a ballot must be prepared at the direction of the Manager of the election. 38.2 The Manager must ensure the roll: (a) states:

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		(i)	*the name of each person who is an eligible member of the Union in alphabetical order; and*	(i) the name of each person who is an eligible member of the Union in alphabetical order; and
		(ii)	*each eligible member's address, opposite their name; and*	(ii) each eligible member's address, opposite their name; and
		(iii)	*the Industry Sub-group to which they are allocated pursuant to these Rules; and*	(iii) the Industry Sub-group to which they are allocated pursuant to these Rules; and
	(b)		*is completed when nominations for the election close.*	(b) is completed when nominations for the election close.
	38.3		*The Union must give the Manager:*	38.3 The Union must give the Manager:
	(a)		*a copy of its members register; and*	(a) a copy of its members register; and
	(b)		*access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.*	(b) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.
	39.		*Roll—inspection*	39. Roll—inspection
	39.1		*The Manager of the election must make the roll for the election available for inspection:*	39.1 The Manager of the election must make the roll for the election available for inspection:
	(a)		*in the period that:*	(a) in the period that:
		(i)	*starts on the day after the roll must be completed under Rule 38; and*	(i) starts on the day after the roll must be completed under Rule 38; and
		(ii)	*ends 30 days after the result of the election is declared; and*	(ii) ends 30 days after the result of the election is declared; and

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	(b) at the Manager's office when it is open for business.	(b) at the Manager's office when it is open for business.
	39.2 A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.	39.2 A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.
	39.3. If, during the period stated in Rule 39.1, a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.	39.3. If, during the period stated in Rule 39.1, a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.
	40. When someone can claim a right to Vote	40. When someone can claim a right to Vote
	40.1 Despite Rule 38.2, if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.	40.1 Despite Rule 38.2, if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.
	40.2 If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.	40.2 If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.
	40.3 An eligible member is only able to vote in such ballots as is permitted pursuant to these Rules.	40.3 An eligible member is only able to vote in such ballots as is permitted pursuant to these Rules.
	Division 2—Voting material	Division 2—Voting material
	41. Ballot papers	41. Ballot papers
	41.1 A ballot paper for the election must:	41.1 A ballot paper for the election must:
	(a) have a watermark or other distinctive	(a) have a watermark or other distinctive

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	pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and		pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and
(b)	*be of paper that will hide a vote marked on it from view when it is folded once; and*	(b)	be of paper that will hide a vote marked on it from view when it is folded once; and
(c)	*be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and*	(c)	be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and
(d)	*list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and*	(d)	list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and
(e)	*state how the Voter may vote; and*	(e)	state how the Voter may vote; and
(f)	*state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and*	(f)	state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and
(g)	*state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.*	(g)	state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.
41.2	*The order of names on the ballot paper must be decided by lot.*	41.2	The order of names on the ballot paper must be decided by lot.
41.3	*If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.*	41.3	If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.
	Example—		Example—
	The occupation of each Candidate may be		The occupation of each Candidate may be

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	added to the ballot paper.		added to the ballot paper.
42.	*Distributing voting material*	42.	Distributing voting material
42.1	*The Manager of the election must post the following things (the "voting material") to each Voter:*	42.1	The Manager of the election must post the following things (the "voting material") to each Voter:
(a)	*a ballot paper initialed by the Manager;*	(a)	a ballot paper initialed by the Manager;
(b)	*an unsealed reply paid envelope (a "return envelope") addressed to the Manager;*	(b)	an unsealed reply paid envelope (a "return envelope") addressed to the Manager;
(c)	*a ballot envelope and a voting declaration;*	(c)	a ballot envelope and a voting declaration;
(d)	*other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.*	(d)	other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.
42.2	*Voting material must be posted to each Voter:*	42.2	Voting material must be posted to each Voter:
(a)	*in a sealed envelope to the Voter's address on the roll; and*	(a)	in a sealed envelope to the Voter's address on the roll; and
(b)	*as soon as practicable, but no earlier than 2 days before the starting day of the ballot.*	(b)	as soon as practicable, but no earlier than 2 days before the starting day of the ballot.
42.3	*The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.'*	42.3	The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.'
42.4	*If a Voter gives the Manager a notice that the Voter will be at an address other than*	42.4	If a Voter gives the Manager a notice that the Voter will be at an address other than

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	the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.		the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.
42.5	*Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:*	42.5	Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:
(a)	*the roll against the Voter's name; and*	(a)	the roll against the Voter's name; and
(b)	*the declaration form.*	(b)	the declaration form.
(c)	*The Manager must give each Voter a different ballot number.*	(c)	The Manager must give each Voter a different ballot number.
(d)	*The ballot numbers must start with a number chosen by the Manager.*	(d)	The ballot numbers must start with a number chosen by the Manager.
(e)	*A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.*	(e)	A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.
43.	*Manager must keep a ballot box*	43.	Manager must keep a ballot box
43.1	*The Manager must get a ballot box and:*	43.1	The Manager must get a ballot box and:
(a)	*keep the box in a safe place; and*	(a)	keep the box in a safe place; and
(b)	*seal the box in a way that:*	(b)	seal the box in a way that:
	(i) allows voting material to be put in it until the ballot finishes; and		(i) allows voting material to be put in it until the ballot finishes; and
	(ii) prevents voting material from being taken from it until votes for the ballot are to be counted.		(ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

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	44.	*Duplicate voting material*	44.	Duplicate voting material
	44.1	*This Rule applies if voting material posted to a Voter:*	44.1	This Rule applies if voting material posted to a Voter:
	(a)	*has not been received by the Voter; or*	(a)	has not been received by the Voter; or
	(b)	*has been lost or destroyed; or*	(b)	has been lost or destroyed; or
	(c)	*if the document is a ballot paper—has been spoilt.*	(c)	if the document is a ballot paper—has been spoilt.
	44.2	*The Voter may apply to the Manager of the election for a duplicate of the document.*	44.2	The Voter may apply to the Manager of the election for a duplicate of the document.
	44.3	*The application must:*	44.3	The application must:
	(a)	*be received by the Manager on or before the finish day of the ballot; and*	(a)	be received by the Manager on or before the finish day of the ballot; and
	(b)	*state the grounds on which it is made; and*	(b)	state the grounds on which it is made; and
	(c)	*if practicable, be substantiated by evidence verifying or tending to verify the grounds; and*	(c)	if practicable, be substantiated by evidence verifying or tending to verify the grounds; and
	(d)	*state that the Voter has not voted at the ballot; and*	(d)	state that the Voter has not voted at the ballot; and
	(e)	*if the document is a spoilt ballot paper be accompanied by the ballot paper.*	(e)	if the document is a spoilt ballot paper be accompanied by the ballot paper.
	44.4	*If the application complies with Sub-rule 44.3, the Manager must:*	44.4	If the application complies with Sub-rule 44.3, the Manager must:
	(a)	*if the document is a spoilt ballot paper:*	(a)	if the document is a spoilt ballot paper:

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	(i) mark 'spoilt' on the paper; and *(ii) initial the paper beside that marking and keep the paper; and* *(iii) give a fresh ballot paper to the Voter; or* *(b) otherwise—give a duplicate of the document to the Voter.*	(i) mark 'spoilt' on the paper; and (ii) initial the paper beside that marking and keep the paper; and (iii) give a fresh ballot paper to the Voter; or (b) otherwise—give a duplicate of the document to the Voter.
	Division 3—Voting *45. How long ballot is open* *45.1 A ballot must remain open for:* *(a) at least 21 days; and* *(b) no longer than 49 days.* *46. How to Vote* *46.1 A Voter may vote only by completing the following steps:* *(a) completing a ballot paper by:* *(i) writing a number in order of preference in the square opposite the name of the Candidates the Voter may vote for under Rule 47; and* *(ii) complying with the instructions on the paper about how to vote;*	Division 3—Voting 45. How long ballot is open 45.1 A ballot must remain open for: (a) at least 21 days; and (b) no longer than 49 days. 46. How to Vote 46.1 A Voter may vote only by completing the following steps: (a) completing a ballot paper by: (i) writing a number in order of preference in the square opposite the name of the Candidates the Voter may vote for under Rule 47; and (ii) complying with the instructions on the paper about how to vote;

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	(b) putting the ballot paper in a ballot envelope;	(b) putting the ballot paper in a ballot envelope;
	(c) sealing the ballot envelope;	(c) sealing the ballot envelope;
	(d) filling in and signing the voting declaration for the ballot paper;	(d) filling in and signing the voting declaration for the ballot paper;
	(e) putting the voting declaration and the ballot envelope in the return envelope;	(e) putting the voting declaration and the ballot envelope in the return envelope;
	(f) sealing the return envelope;	(f) sealing the return envelope;
	(g) complying with any direction given under Rule 42.1(d);	(g) complying with any direction given under Rule 42.1(d);
	(h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.	(h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.
	47. How many votes may be cast	47. How many votes may be cast
	47.1 A Voter shall express a preference for each candidate for which the voter is entitled to vote.	47.1 A Voter shall express a preference for each candidate for which the voter is entitled to vote.
	Division 4—Counting and scrutiny of votes	Division 4—Counting and scrutiny of votes
	48. How Manager must deal with voting material	48. How Manager must deal with voting material
	48.1 The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.	48.1 The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

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48.2	*If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:*	48.2	If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:
(a)	*keep the envelope sealed; and*	(a)	keep the envelope sealed; and
(b)	*mark the envelope 'Received by the Manager after the finishing day for the ballot'; and*	(b)	mark the envelope 'Received by the Manager after the finishing day for the ballot'; and
(c)	*keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.*	(c)	keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.
49.	*Scrutineers—appointment*	49.	Scrutineers—appointment
49.1	*A Candidate may:*	49.1	A Candidate may:
(a)	*act personally as a scrutineer; or*	(a)	act personally as a scrutineer; or
(b)	*appoint another person (an "appointee") as a scrutineer for the Candidate.*	(b)	appoint another person (an "appointee") as a scrutineer for the Candidate.
49.2	*An appointment must be in writing and signed by the Candidate.*	49.2	An appointment must be in writing and signed by the Candidate.
49.3	*A Candidate must notify the Manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.*	49.3	A Candidate must notify the Manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.
49.4	*The Manager may refuse to allow an appointee to act as a scrutineer if:*	49.4	The Manager may refuse to allow an appointee to act as a scrutineer if:
(a)	*the Manager asks to inspect the*	(a)	the Manager asks to inspect the

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		appointment as a scrutineer; and	appointment as a scrutineer; and
	(b)	*the appointee does not produce it.*	(b) the appointee does not produce it.
	50.	*Scrutineers' rights*	50. Scrutineers' rights
	50.1	*Subject to Rule 51, a scrutineer may be present when:*	50.1 Subject to Rule 51, a scrutineer may be present when:
	(a)	*ballot papers or other voting material for a ballot are prepared and given to Voters; and*	(a) ballot papers or other voting material for a ballot are prepared and given to Voters; and
	(b)	*voting material is received and put in safe custody under Rule 48; and*	(b) voting material is received and put in safe custody under Rule 48; and
	(c)	*votes are counted.*	(c) votes are counted.
	51.	*Scrutineers—numbers attending*	51. Scrutineers—numbers attending
	51.1	*Each Candidate may have only 1 scrutineer exercising a right under Rule 50 for each official present where the ballot is being conducted.*	51.1 Each Candidate may have only 1 scrutineer exercising a right under Rule 50 for each official present where the ballot is being conducted.
	51.2	*In Rule 51.1:*	51.2 In Rule 51.1:
	"official" means:		"official" means:
	(a)	*if the ballot is being conducted by the electoral commission—an electoral officer; or*	(a) if the ballot is being conducted by the electoral commission—an electoral officer; or
	(b)	*if the ballot is not being conducted by the electoral commission:*	(b) if the ballot is not being conducted by the electoral commission:
		(i) the Manager of the election; or	(i) the Manager of the election; or

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		(ii)	*any other person appointed by the Manager to exercise the Manager's powers for the election.*
	52.		*Initial scrutiny of voting material*
	52.1		*As soon as possible after the ballot finishes, the Manager of the ballot must:*
	(a)		*seal the ballot box in a way that prevents voting material from being put in it; and*
	(b)		*take the ballot box to the place where votes are to be counted.*
	52.2		*The Manager must then:*
	(a)		*unseal the ballot box; and*
	(b)		*take out the return envelopes; and*
	(c)		*open each return envelope and take out the ballot envelope and the voting declaration; and*
	(d)		*examine the declaration and mark off the Voter's name on the roll; and*
	(e)		*check the ballot number on the declaration against the ballot number marked against the Voter's name on the roll; and*
	(f)		*ensure the declaration is signed.*
	52.3		*After complying with Sub-rule 52.2, the Manager must put the ballot envelopes in a*
		(ii)	any other person appointed by the Manager to exercise the Manager's powers for the election.
	52.		Initial scrutiny of voting material
	52.1		As soon as possible after the ballot finishes, the Manager of the ballot must:
	(a)		seal the ballot box in a way that prevents voting material from being put in it; and
	(b)		take the ballot box to the place where votes are to be counted.
	52.2		The Manager must then:
	(a)		unseal the ballot box; and
	(b)		take out the return envelopes; and
	(c)		open each return envelope and take out the ballot envelope and the voting declaration; and
	(d)		examine the declaration and mark off the Voter's name on the roll; and
	(e)		check the ballot number on the declaration against the ballot number marked against the Voter's name on the roll; and
	(f)		ensure the declaration is signed.
	52.3		After complying with Sub-rule 52.2, the Manager must put the ballot envelopes in a

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	container and the declarations into another container if satisfied:		container and the declarations into another container if satisfied:
(a)	*each declaration is signed; and*	(a)	each declaration is signed; and
(b)	*the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the roll.*	(b)	the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the roll.
52.4	*However, the Manager must not put a ballot envelope or declaration in the containers mentioned in Sub-rule 52.3 if:*	52.4	However, the Manager must not put a ballot envelope or declaration in the containers mentioned in Sub-rule 52.3 if:
(a)	*the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or*	(a)	the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or
(b)	*the person named on the declaration is not the person to whom it was sent.*	(b)	the person named on the declaration is not the person to whom it was sent.
52.5	*Sub-rule 52.4 does not apply if the Manager is satisfied the person who filled in and signed the declaration:*	52.5	Sub-rule 52.4 does not apply if the Manager is satisfied the person who filled in and signed the declaration:
(a)	*is a Voter; and*	(a)	is a Voter; and
(b)	*has not previously voted in the ballot; and*	(b)	has not previously voted in the ballot; and
(c)	*has a reasonable explanation for using someone else's ballot material.*	(c)	has a reasonable explanation for using someone else's ballot material.
52.6	*The Manager must keep ballot envelopes and declarations excluded under Sub-rule (d) separate from other ballot envelopes and declarations.*	52.6	The Manager must keep ballot envelopes and declarations excluded under Sub-rule (d) separate from other ballot envelopes and declarations.
52.7	*A declaration is valid only if:*	52.7	A declaration is valid only if:

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	(a)	*it complies with Sub-rule 52.3(a) and (b); and*	(a) it complies with Sub-rule 52.3(a) and (b); and
	(b)	*Rule 52.4 does not apply.*	(b) Rule 52.4 does not apply.
	52.8	*A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.*	52.8 A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.
	52.9	*If a declaration is accepted as valid by the Manager the Manager must:*	52.9 If a declaration is accepted as valid by the Manager the Manager must:
	(a)	*note the acceptance of validity on the declaration; and*	(a) note the acceptance of validity on the declaration; and
	(b)	*record the correct ballot number on the roll against the name of the Voter who signed the declaration.*	(b) record the correct ballot number on the roll against the name of the Voter who signed the declaration.
	52.10	*After separating the ballot envelopes and declarations, the Manager must, in the following order:*	52.10 After separating the ballot envelopes and declarations, the Manager must, in the following order:
	(a)	*seal the container holding declarations;*	(a) seal the container holding declarations;
	(b)	*open the ballot envelopes not excluded under Sub-rule 52.4 and take out the ballot papers;*	(b) open the ballot envelopes not excluded under Sub-rule 52.4 and take out the ballot papers;
	(c)	*if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under Sub-rule 53.2(e)';*	(c) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under Sub-rule 53.2(e)';
	(d)	*put all of the ballot papers in the ballot box.*	(d) put all of the ballot papers in the ballot box.

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	53.	*Counting votes*	53. Counting votes
	53.1	*To count votes the Manager of the election must:*	53.1 To count votes the Manager of the election must:
	(a)	*admit the formal votes and reject the informal votes; and*	(a) admit the formal votes and reject the informal votes; and
	(b)	*count the formal votes; and*	(b) count the formal votes; and
	(c)	*count the informal votes.*	(c) count the informal votes.
	53.2	*A vote is informal only if:*	53.2 A vote is informal only if:
	(a)	*the ballot paper is not initialed by the Manager and the Manager is not satisfied the paper is authentic; or*	(a) the ballot paper is not initialed by the Manager and the Manager is not satisfied the paper is authentic; or
	(b)	*the ballot paper is marked in a way that allows the Voter to be identified; or*	(b) the ballot paper is marked in a way that allows the Voter to be identified; or
	(c)	*the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or*	(c) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or
	(d)	*the ballot paper does not comply with a direction given under Rule 42.1(d); or*	(d) the ballot paper does not comply with a direction given under Rule 42.1(d); or
	(e)	*the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.*	(e) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.
	54.	*Scrutineers' objections*	54. Scrutineers' objections
	54.1	*Before votes are counted, a scrutineer may advise the Manager that the scrutineer*	54.1 Before votes are counted, a scrutineer may advise the Manager that the scrutineer

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	considers an error has been made in conducting the ballot.		considers an error has been made in conducting the ballot.
54.2	*When votes are counted, a scrutineer may:*	54.2	When votes are counted, a scrutineer may:
(a)	*object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or*	(a)	object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or
(b)	*advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.*	(b)	advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.
54.3	*If a scrutineer advises the Manager under Sub-rule 54.1 or 54.2(b), the Manager must:*	54.3	If a scrutineer advises the Manager under Sub-rule 54.1 or 54.2(b), the Manager must:
(a)	*decide whether the error has been made; and*	(a)	decide whether the error has been made; and
(b)	*if appropriate—direct action to correct or mitigate the error.*	(b)	if appropriate—direct action to correct or mitigate the error.
54.4	*If a scrutineer objects under Sub-rule 54.2(a), the Manager must:*	54.4	If a scrutineer objects under Sub-rule 54.2(a), the Manager must:
(a)	*decide whether the ballot paper is to be admitted or rejected; and*	(a)	decide whether the ballot paper is to be admitted or rejected; and
(b)	*note the decision on the ballot paper and initial the note.*	(b)	note the decision on the ballot paper and initial the note.
55.	*Direction by Manager to leave count*	55.	Direction by Manager to leave count
55.1	*The Manager of the election may direct a person to leave the place where votes are*	55.1	The Manager of the election may direct a person to leave the place where votes are

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	being counted if the person: *(a) does not have the right to be present at the count; or* *(b) interrupts the count, other than to exercise a scrutineer's right.*	being counted if the person: (a) does not have the right to be present at the count; or (b) interrupts the count, other than to exercise a scrutineer's right.
	Division 5—Election result *56. HOW RESULT IS DECIDED* *56.1 The method of deciding the result of a ballot is by a preferential system.* *56.2 The manager shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate;* *(i) the manager shall count the first preference votes given for each candidate respectively;* *(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;* *(iii) if no candidate has an absolute majority of first preference votes the manager shall:* *(A) treat the candidate who has*	Division 5—Election result 56. HOW RESULT IS DECIDED 56.1 The method of deciding the result of a ballot is by a preferential system. 56.2 The manager shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate; (i) the manager shall count the first preference votes given for each candidate respectively; (ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected; (iii) if no candidate has an absolute majority of first preference votes the manager shall: (A) treat the candidate who has

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	obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate shall again be counted; *(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected;* *(C) where there is a multiple office then the count shall continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons shall be declared elected.*	obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate shall again be counted; (B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected; (C) where there is a multiple office then the count shall continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons shall be declared elected. (b) This rule is subject to rules 57 and 58.

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	(b) *This rule is subject to rules 57 and 58.* 57. *What happens if votes for 2 or more Candidates are equal* 57.1 *If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.* 57.2 *A decision under Rule 57.1 must be made in the presence of any scrutineer who wishes to attend.* 58. *What happens if multiple nominee elected* 58.1 *If a Candidate is elected to an office, other than as a trustee, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.*	57. What happens if votes for 2 or more Candidates are equal 57.1 If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots. 57.2 in A decision under Rule 57.1 must be made the presence of any scrutineer who wishes to attend. 58. What happens if multiple nominee elected 58.1 If a Candidate is elected to an office, other than as a trustee, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.
15.		
	15. By inserting in Rule 66.12 words ", in accordance with those Rules," immediately following the word "shall", so that Sub-rule 66.12 provides as follows: *66.12 Sub-Branch Officers*	66.12 Sub-Branch Officers Sub-Branches shall, in accordance with those Rules, elect the Sub-Branch Committee. The Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee members,

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	Sub-Branches shall, in accordance with those Rules, 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.	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.		
	16. In Sub-rule 66.26(c) deleting "34.13" and inserting "66.13".	
17.		
	17. In Sub-rule 66.30 deleting "34.12" and inserting "66.12".	
18.		
	18. In Sub-rule 71.6 deleting "34.15" and inserting "66.15".	
19.		
	19. In Sub-rule 79.1(c) deleting "47.2" and inserting "79.2".	

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In Sub-rule 66.15 deleting "39" and inserting "71".
In Sub-rule 66.35(b) deleting "34.35" and inserting "66.35".

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20.		
	20. In Sub-rule 79.2 deleting "47.1" where it appears and inserting "78.1".	

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In Sub-rule 66.34 deleting "Rule 28" and inserting "the Election Procedures Rules".

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FORM 8
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 708
(No. of 2003)

APPLICATION FOR PARTIAL ALTERATION OF THE RULES OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

This is Schedule 3 mentioned in the affidavit of William Wallace Trohear.

Affirmed before me on this 29 day of January 2003.

Deponent

Justice of the Peace / Solicitor

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Form 8, R.49.

Extract from the minutes
of the State Management Committee meeting held 28 November 2002

The State Management Committee of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ) resolves in relation to the Rules of the CFMEUQ:

1. To delete the Index in its entirety and insert in lieu thereof the following:

INDEX

Rule	Description
1.	Name and Office
2.	Eligibility
3.	Objects
4.	Application for Membership
5.	Entrance Fee
6.	Contributions
7.	Financial Membership
8.	Resignation of Members
9.	Transfer of Members
10.	Duties of Members
11.	Misconduct of Members
12.	Appeals of Members and Sub-Branches to State Management Committee
13.	Control and Suspension of Members
14.	Register of Members and Officers
15.	Recovery of Arrears
16.	Property and Funds of the Union
17.	Banking and Expenditure of Funds
18.	State Management Committee
18A	Meetings of the State Management Committee
19.	State Management Committee Finance
20.	State Executive
21.	Duties of the State President/State Vice-President

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22.	Duties of State Secretary
23.	Duties of Assistant Secretaries
24.	Trustees
25.	Organisers
26.	Removal of Officers
27.	Salaries of Officers
28.	Election of State President, State Secretary, Assistant State Secretary, State Management Committee Members, Organisers
29.	Election Procedures Definitions
30.	Manager of Election
31.	Closing Day and Time for Nominations
32.	Starting and Finishing Days of Ballot
33.	Calling for Nominations
34.	Nomination Procedures
35.	What Happens if a Nomination is Defective
36.	When a Ballot Must be Held
37.	Election Without Ballot
38.	Roll – Preparation
39.	Roll - Inspection
40.	When Someone Can Claim a Right to Vote
41.	Ballot Papers
42.	Distribution Voting Material
43.	Manager Must Keep a Ballot Box
44.	Duplicate Voting Material
45.	How Long Ballot is Open
46.	How to Vote
47	How Many Votes May be Cast
48.	How Manager Must Deal with Voting Material
49.	Scrutineers - Appointment
50.	Scrutineers' Rights

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51.	Scrutineers – Numbers Attending
52.	Initial Scrutiny of Voting Material
53	Counting Votes
54.	Scrutineers' Objections
55.	Direction by Manager to Leave Count
56.	How Result is Decided
57.	What Happens if Votes for 2 or More Candidates are Equal
58.	What Happens if Multiple Nominee Elected
59.	Collegiate Electoral System
60.	Casual Vacancies
61.	Exemption from Election
62.	Returning Officer and Scrutineers
63.	Delegates Meeting
64.	State Delegates Convention
65.	Election of Delegates
66.	Sub-Branches
67.	Aggregate Meetings
68.	Delegation Approval
69.	Shop Stewards
70.	Apprentices
71.	Audit of Accounts
72.	Special Auditors
73.	Donations/Loans
74.	Interpretation of Rules
75.	Affiliation
76.	Disputes with Management
77.	Alteration of Rules
78.	Dissolution
79.	Ballots/Plebiscites - Control by Members

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80. Common Seal and Mode of Execution of Documents

81. Standing Orders and Rules of Debate

2. To delete Sub-rule 15.3 in Rule 15 and insert in lieu thereof "*15.3 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and half years shall be waived by the Union.*", so that the Rule provides as follows:

15. RECOVERY OF ARREARS:

15.1 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 State Secretary shall take the necessary steps for the recovery of such arrears.

15.2 The State Secretary 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.

15.3.1 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and half years shall be waived by the Union.

3. To delete Rule 18 in its entirety and insert the following, so that the Rule provides.

"18. STATE MANAGEMENT COMMITTEE

18.1 On and from 1 January 2003, the State Management Committee of the Union shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) the Assistant State Secretaries (if any)
(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:

(i) 10 from those eligible for membership by virtue of Rule 2.1;

(ii) 2 from those eligible for membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, State Assistant Secretary (if any) or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

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(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 The State Secretary, the State President and the State Assistant Secretaries (if any) shall be elected by and from all members of the Union, who are eligible to nominate and vote.

18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.

18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.

18.5 The State Management Committee shall, not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of State Assistant Secretaries (if any) to be elected.

18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the Union Secretary signed by 6 members of the State Management Committee.

18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for Secretary, State Assistant Secretaries (if any), State Trustees, Officials, Organisers, Union President, Union Vice-Presidents, members of the Management Committee, Union Returning Officers and Deputy Returning Officers, and Scrutineers."

4. To delete Sub-rule 20.1 in Rule 20 and insert in lieu thereof "*20.1 There shall be a State Executive which shall comprise of the following:*

(a) the State President;
(b) the State Secretary;
(c) the State Assistant Secretaries (if any);
(d) *3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.*" so that the Rule provides as follows:

20. STATE EXECUTIVE

20.1 There shall be a State Executive which shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) the State Assistant Secretaries (if any);
(d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.

20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.

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20.3 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.

20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.5 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.6 If the State President is absent from a meeting of the State Executive a Vice-President, as determined by these Rules, shall act and shall have the powers of the President while so acting.

20.7 If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

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20.8 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

20.9 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

5. To delete Rule 23 in its entirety and insert the following, so that the Rule provides:

23 – DUTIES OF ASSISTANT STATE SECRETARIES

"23.1 The Assistant State Secretaries (if any) shall work under the direction of the State Management Committee and the State Secretary.

23.2 The Assistant State Secretary (if any) shall assist the State Secretary in carrying out the duties set out in Rule 21.

23.3 In the absence of the State Secretary one of the Assistant State Secretaries (if any) shall act as the Acting State Secretary as directed by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall appoint an officer to act as Acting State Secretary.

23.4 Any Acting State Secretary shall be subject to Rules 21.13 and 26.

23.5 An Assistant State Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary."

6. By deleting Sub-rule 24.1 and inserting "24.1 *The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary.*" and by deleting Sub-rule 24.4 and inserting "*24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary.*" so that Rule 24 provides as follows:

24. TRUSTEES

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary then the officer appointed by the State Management Committee as Acting State Secretary.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

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7. By deleting "28.3" in Sub-rule 28.1 and inserting in lieu thereof "28.2", deleting Sub-rules 28.2, 28.5-28.37, renumbering Sub-rules 28.3 as 28.2 and 28.4 as 28.3, by inserting "*28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.*" so that Rule 28 provides as follows:

28. ELECTION OF STATE PRESIDENT, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.2 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry of the Union 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.

28.2 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 Assistant State Secretaries State President State Vice-President	Three years financial membership
State Management Committee Members District Secretary/Organiser State Organisers	One years financial membership

28.3 The term of Office for the above positions shall be four years.

28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.

8. By deleting Rule 29 and inserting in lieu thereof the following as Rule 59:

59.1 The State Vice-President shall be elected by a Collegiate Electoral System.

59.2 The Electoral College shall in relation to the office of State Vice-President be the State Management Committee.

59.3 The outgoing State Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of this Rule "the Manager"), and the Manager shall be subject to the provisions of the Election Procedure Rules.

59.4 The Manager shall call for nominations from among members of the Electoral College subject to these Rules, by written notice to each member.

59.5 Nominations shall be in writing, signed by the candidate and seconded in accordance with this Rule and shall be delivered to the Manager prior to the commencement of the first meeting of the State Management Committee next following the election of members of the Electoral College (for the purposes of this Rule "the Meeting").

59.6 If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

59.7 The Manager shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the meeting.

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59.8 If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.

59.9 If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College by means of a preferential system of voting as defined in the election procedures, which election procedures shall apply to the count.

59.10 Any candidates may appoint a scrutineer, and the provision of the Scrutineers - Appointment Rule of the Election Procedure Rules in relation to scrutineers shall apply.

59.11 The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.

59.12 The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.

59.13 Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

59.14 The candidate or candidates securing the highest number of votes shall be declared elected.

59.15 The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.

59.16 The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.

9. By inserting the following as Rule 60, so that the Rule provides as follows:

60. CASUAL VACANCIES

60.1 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.

60.2 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.

10. By renumbering Rule 28A as Rule 61, so that it provides as follows:

61. EXEMPTION FROM ELECTIONS

61.1 For the purposes of this rule:

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a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.

b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relations Act 1996*.

61.2 The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

61.3 To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

61.4 Whilst the CFMEU is a counterpart federal body of the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

61.5 The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

61.6 Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;

b) the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;

c) in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS	Qld State Assistant Secretary

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Union Qld Divisional Branch Assistant Honorary Secretary	
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Vice-Presidents (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS Union Qld Divisional Branch Honorary Vice-President	State Vice-Presidents
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers

11. By deleting Sub-rule 30.1 and inserting "*30.1 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 Union or a Sub-Branch, to be conducted, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time, including the quadrennial ballot. The State Management Committee shall appoint only after applications of 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 as its last meeting prior to the quadrennial ballot.*" and renumbering the Rule as Rule 62 so that Rule 62 provides as follows:

62. RETURNING OFFICER AND SCRUTINEERS

62.1 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 Union or a Sub-Branch, to conduct, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time, including the quadrennial ballot. The State Management Committee shall appoint only after applications of 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 as its last meeting prior to the quadrennial ballot.

62.2 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.

62.3 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.

12. By numbering Rule 31-49 as Rules 63-81.

13. By deleting Rule 50.

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14. By inserting the following as Rules 29-58, so that the Rules provides as follows:

29. Election Procedure Definitions

Definitions:

"ballot box" means a ballot box kept under Rule 43.

"Candidate", for an election, means a person:

(a) who has nominated as a Candidate for the office the election is about; and

(b) whose nomination has been accepted under Rule 34.3; and

(c) whose nomination has not been withdrawn.

"Election Procedures Rules" means Rules 29 – of these Rules.

"eligible member" means a person who was a financial member of the Union 30 days before the starting time for nominations.

"higher office" means:

(a) for the office of State Management Committee member—any office other than the office of trustee; or

(b) for the office of State Secretary—the office of State Vice-President or State President; or

(c) for the office of State Vice-President—the office of State President.

"industry sub-group" mean the industry sub-groups respectively provided by Sub-rules 2.1, 2.2, and 2.5 of these Rules.

"initialed" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

"Manager of an Election" means:

(a) the electoral officer conducting the election or ballot; or

(b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.

"member" means a member of the Union.

"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.

"return envelope" see Rule 42.1 (c).

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"roll", for an election, means the roll of Voters prepared for the election under Rule 38.

"scrutineer" means:

(a) a Candidate who acts personally as a scrutineer; or

(b) a person appointed as a scrutineer for a Candidate under Rule 49.

"State Secretary" means:

(a) the person holding office as the Union's State Secretary; or

(b) another officer of the Union, however described, who has the functions of the Union's State Secretary.

"trustee" means the office of a person holding, whether as trustee or otherwise, property:

(a) of the Union; or

(b) that the Union has a beneficial interest in.

"Voter" means a person:

(a) who is an eligible member; and

(b) whose name is on the roll under Rule 38.

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"voting material" see Rule 42.1.

PART 2—MANAGER OF ELECTION

30. Manager of election—functions and powers

30.1 The Manager of an election:

(a) must not influence, or attempt to influence, the outcome of the election; and

(b) must conduct the election under these Election Procedure Rules except where the Rules expressly provide otherwise; and

(c) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(d) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

30.2 The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(a) to ensure no irregularities happen in the election; or

(b) to remedy a procedural defect that appears to the Manager to exist about the election.

30.3 To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.

PART 3—PRE-ELECTION PROCEDURES

31. Closing day and time for nominations

31.1 The Manager of the election must fix the opening day and closing day for nominations for office.

31.2 The closing day must be at least 28 days after notice is given under Rule 33.

31.3 Nominations open at midday on the opening day and close at midday on the closing day.

32. Starting and finishing days of ballot

32.1 If a ballot becomes necessary under Rule 36, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

32.2 The start day must not be before the closing day for nominations for the offices to be filled at the election.

33. Calling for nominations

33.1 The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(a) by post to each member at the address recorded in the members register;

(b) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter;

(c) in a daily newspaper circulating in the area where the Union's members live or work.

33.2 The notice must state:

(a) the opening day for nominations; and

(b) the closing day for nominations; and

(c) that nominations for office:

(i) open at midday on the opening day; and

(ii) close at midday on the closing day; and

(d) who may nominate as a Candidate in the election; and

(e) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(f) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 36; and

(g) that only a person who was a financial member 30 days before the opening time for nominations may Vote in the election; and

(h) that the ballot will be decided by a preferential system of voting.

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34. Nomination procedure

34.1 A nomination for office must be written, signed by the nominee, otherwise comply with these Rules and be given to the Manager of the election before nominations close.

34.2 A person may nominate for more than 1 office.

34.3 The Manager must accept a nomination if:

(a) it complies with Sub-rule 34.1; and

(b) the nominee is an eligible member and is otherwise entitled pursuant to these Rules to nominate; and

(c) the nominators are entitled pursuant to these Rules to nominate the nominee; and

(d) these Rules, in so far as they expressly provide in relation to the nomination process, are complied with.

34.4 A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

35. What happens if a nomination is defective

35.1 The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

35.2 If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:

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(a) reject it; and

(b) give the nominee notice of the defect; and

(c) if practicable, give the nominee an opportunity to remedy the defect.

35.3 If practicable, the notice must be given before nominations close.

35.4 Failure to give the notice does not invalidate the election.

36. When a ballot must be held

If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the Election Procedure Rules.

37. Election without ballot

37.1 The Manager of the election must declare a Candidate elected to an office if:

(a) nominations have closed; and

(b) the Candidate does not hold another office; and

(c) the Candidate has:

(i) not nominated for a higher office; or

(ii) nominated for a higher office and is not elected to the higher office; and

(d) if the election is for President or Secretary—the Candidate is the only Candidate; or

(e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.

PART 4—CONDUCTING BALLOTS

Division 1—General

38. Roll—preparation

38.1 A roll for a ballot must be prepared at the direction of the Manager of the election.

38.2 The Manager must ensure the roll:

(a) states:

(i) the name of each person who is an eligible member of the Union in alphabetical order; and

(ii) each eligible member's address, opposite their name; and

(iii) the Industry Sub-group to which they are allocated pursuant to these Rules; and

(b) is completed when nominations for the election close.

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38.3 The Union must give the Manager:

(a) a copy of its members register; and

(b) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

39. Roll—inspection

39.1 The Manager of the election must make the roll for the election available for inspection:

(a) in the period that:

(i) starts on the day after the roll must be completed under Rule 38; and

(ii) ends 30 days after the result of the election is declared; and

(b) at the Manager's office when it is open for business.

39.2 A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.

39.3. If, during the period stated in Rule 39.1, a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

40. When someone can claim a right to Vote

40.1 Despite Rule 38.2, if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

40.2 If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

40.3 An eligible member is only able to vote in such ballots as is permitted pursuant to these Rules.

Division 2—Voting material

41. Ballot papers

41.1 A ballot paper for the election must:

(a) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and

(b) be of paper that will hide a vote marked on it from view when it is folded once; and

(c) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(d) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and

(e) state how the Voter may vote; and

(f) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and

(g) state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.

41.2 The order of names on the ballot paper must be decided by lot.

41.3 If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

Example—

The occupation of each Candidate may be added to the ballot paper.

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42. Distributing voting material

42.1 The Manager of the election must post the following things (the "voting material") to each Voter:

(a) a ballot paper initialed by the Manager;

(b) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(c) a ballot envelope and a voting declaration;

(d) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

42.2 Voting material must be posted to each Voter:

(a) in a sealed envelope to the Voter's address on the roll; and

(b) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

42.3 The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.'

42.4 If a Voter gives the Manager a notice that the Voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

42.5 Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:

(a) the roll against the Voter's name; and

(b) the declaration form.

(c) The Manager must give each Voter a different ballot number.

(d) The ballot numbers must start with a number chosen by the Manager.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.

43. Manager must keep a ballot box

43.1 The Manager must get a ballot box and:

(a) keep the box in a safe place; and

(b) seal the box in a way that:

(i) allows voting material to be put in it until the ballot finishes; and

(ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

44. Duplicate voting material

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44.1 This Rule applies if voting material posted to a Voter:

(a) has not been received by the Voter; or

(b) has been lost or destroyed; or

(c) if the document is a ballot paper—has been spoilt.

44.2 The Voter may apply to the Manager of the election for a duplicate of the document.

44.3 The application must:

(a) be received by the Manager on or before the finish day of the ballot; and

(b) state the grounds on which it is made; and

(c) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(d) state that the Voter has not voted at the ballot; and

(e) if the document is a spoilt ballot paper be accompanied by the ballot paper.

44.4 If the application complies with Sub-rule 44.3, the Manager must:

(a) if the document is a spoilt ballot paper:

(i) mark 'spoilt' on the paper; and

(ii) initial the paper beside that marking and keep the paper; and

(iii) give a fresh ballot paper to the Voter; or

(b) otherwise—give a duplicate of the document to the Voter.

Division 3—Voting

45. How long ballot is open

45.1 A ballot must remain open for:

(a) at least 21 days; and

(b) no longer than 49 days.

46. How to Vote

46.1 A Voter may vote only by completing the following steps:

(a) completing a ballot paper by:

(i) writing a number in order of preference in the square opposite the name of the Candidates the Voter may vote for under Rule 47; and

(ii) complying with the instructions on the paper about how to vote;

(b) putting the ballot paper in a ballot envelope;

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(c) sealing the ballot envelope;

(d) filling in and signing the voting declaration for the ballot paper;

(e) putting the voting declaration and the ballot envelope in the return envelope;

(f) sealing the return envelope;

(g) complying with any direction given under Rule 42.1(d);

(h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

47. How many votes may be cast

47.1 A Voter shall express a preference for each candidate for which the voter is entitled to vote.

Division 4—Counting and scrutiny of votes

48. How Manager must deal with voting material

48.1 The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

48.2 If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(a) keep the envelope sealed; and

(b) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and

(c) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

49. Scrutineers—appointment

49.1 A Candidate may:

(a) act personally as a scrutineer; or

(b) appoint another person (an "appointee") as a scrutineer for the Candidate.

49.2 An appointment must be in writing and signed by the Candidate.

49.3 A Candidate must notify the Manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

49.4 The Manager may refuse to allow an appointee to act as a scrutineer if:

(a) the Manager asks to inspect the appointment as a scrutineer; and

(b) the appointee does not produce it.

50. Scrutineers' rights

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50.1 Subject to Rule 51, a scrutineer may be present when:

(a) ballot papers or other voting material for a ballot are prepared and given to Voters; and

(b) voting material is received and put in safe custody under Rule 48; and

(c) votes are counted.

51. Scrutineers—numbers attending

51.1 Each Candidate may have only 1 scrutineer exercising a right under Rule 50 for each official present where the ballot is being conducted.

51.2 In Rule 51.1:

"official" means:

(a) if the ballot is being conducted by the electoral commission—an electoral officer; or

(b) if the ballot is not being conducted by the electoral commission:

(i) the Manager of the election; or

(ii) any other person appointed by the Manager to exercise the Manager's powers for the election.

52. Initial scrutiny of voting material

52.1 As soon as possible after the ballot finishes, the Manager of the ballot must:

(a) seal the ballot box in a way that prevents voting material from being put in it; and

(b) take the ballot box to the place where votes are to be counted.

52.2 The Manager must then:

(a) unseal the ballot box; and

(b) take out the return envelopes; and

(c) open each return envelope and take out the ballot envelope and the voting declaration; and

(d) examine the declaration and mark off the Voter's name on the roll; and

(e) check the ballot number on the declaration against the ballot number marked against the Voter's name on the roll; and

(f) ensure the declaration is signed.

52.3 After complying with Sub-rule 52.2, the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied:

(a) each declaration is signed; and

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(b) the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the roll.

52.4 However, the Manager must not put a ballot envelope or declaration in the containers mentioned in Sub-rule 52.3 if:

(a) the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or

(b) the person named on the declaration is not the person to whom it was sent.

52.5 Sub-rule 52.4 does not apply if the Manager is satisfied the person who filled in and signed the declaration:

(a) is a Voter; and

(b) has not previously voted in the ballot; and

(c) has a reasonable explanation for using someone else's ballot material.

52.6 The Manager must keep ballot envelopes and declarations excluded under Sub-rule (d) separate from other ballot envelopes and declarations.

52.7 A declaration is valid only if:

(a) it complies with Sub-rule 52.3(a) and (b); and

(b) Rule 52.4 does not apply.

52.8 A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.

52.9 If a declaration is accepted as valid by the Manager the Manager must:

(a) note the acceptance of validity on the declaration; and

(b) record the correct ballot number on the roll against the name of the Voter who signed the declaration.

52.10 After separating the ballot envelopes and declarations, the Manager must, in the following order:

(a) seal the container holding declarations;

(b) open the ballot envelopes not excluded under Sub-rule 52.4 and take out the ballot papers;

(c) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under Sub-rule 53.2(e)';

(d) put all of the ballot papers in the ballot box.

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53. Counting votes

53.1 To count votes the Manager of the election must:

(a) admit the formal votes and reject the informal votes; and

(b) count the formal votes; and

(c) count the informal votes.

53.2 A vote is informal only if:

(a) the ballot paper is not initialed by the Manager and the Manager is not satisfied the paper is authentic; or

(b) the ballot paper is marked in a way that allows the Voter to be identified; or

(c) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or

(d) the ballot paper does not comply with a direction given under Rule 42.1(d); or

(e) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

54. Scrutineers' objections

54.1 Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

54.2 When votes are counted, a scrutineer may:

(a) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(b) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

54.3 If a scrutineer advises the Manager under Sub-rule 54.1 or 54.2(b), the Manager must:

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(a) decide whether the error has been made; and

(b) if appropriate—direct action to correct or mitigate the error.

54.4 If a scrutineer objects under Sub-rule 54.2(a), the Manager must:

(a) decide whether the ballot paper is to be admitted or rejected; and

(b) note the decision on the ballot paper and initial the note.

55. Direction by Manager to leave count

55.1 The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(a) does not have the right to be present at the count; or

(b) interrupts the count, other than to exercise a scrutineer's right.

Division 5—Election result

56. How result is decided

56.1 The method of deciding the result of a ballot is by a preferential system.

56.2 The manager shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate;

(i) the manager shall count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager shall:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate shall again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected;

(C) where there is a multiple office then the count shall continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons shall be declared elected.

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(b) This rule is subject to rules 57 and 58.

57. What happens if votes for 2 or more Candidates are equal

57.1 If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

57.2 A decision under Rule 57.1 must be made in the presence of any scrutineer who wishes to attend.

58. What happens if multiple nominee elected

58.1 If a Candidate is elected to an office, other than as a trustee, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.

15. By inserting in Rule 66.12 words ", in accordance with those Rules," immediately following the word "shall", so that Sub-rule 65.12 provides as follows:

66.12 Sub-Branch Officers

Sub-Branches shall, in accordance with those Rules, 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.

16. In Sub-rule 66.26(c) deleting "34.13" and inserting "66.13".

17. In Sub-rule 66.30 deleting "34.12" and inserting "66.12".

18. In Sub-rule 71.6 deleting "34.15" and inserting "66.15".

19. In Sub-rule 79.1(c) deleting "47.2" and inserting "79.2".

20. In Sub-rule 79.2 deleting "47.1" where it appears and inserting "78.1".

21. That the State Secretary be authorised to make such amendments as are required to ensure compliance with the Act and consistency with the balance of the Rules, provided that such amendments do not alter the intention of the foregoing resolutions.

22. That the State Secretary be directed to make application for amendment as soon as practicable.

Moved: W. Trohear
Seconded: B. Hall

CARRIED UNANIMOUSLY.

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QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(section 478)

(No. U7 of 2003)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Act, the amendments to the Rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, have been approved as amended and registered on 6 June 2003.

Dated at Brisbane 12 June 2003.

E. EWALD
Industrial Registrar

COM.0001.0014.5501

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INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No VII of 2004)

APPLICATION FOR AMENDMENT OF THE RULES OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

TO: The Industrial Registrar, Industrial Registry, Level 14, Central Plaza 2, 66 Eagle Street, (corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001.

TAKE NOTICE that I Wally Trohear c/ of Level 2, 366 Upper Roma Street Brisbane, Queensland being the Secretary of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (the "CFMEUQ") APPLY to the Registrar for:

1. registration, pursuant to s 478 of the Industrial Relations Act 1999 (the "Act"), of amendments to the rules of the CFMEUQ as passed by the State Management Committee (the "Management Committee") of the CFMEUQ on 26 February 2004.

2. Attached to this application are:

   a) a copy of the resolution passed by the Management Committee on 26 February 2004; and

   b) an affidavit of Wally Trohear stating that s 478 of the Act has been complied with.

3. Further I apply for directions as to the conduct of this application in relation to the following matters-
   (a) parties;
   (b) publication;
   (c) nature of hearing;
   (d) place of time and hearing; and
   (e) such other matters as I may be advised.

I Wally Trohear c/ of 366 Upper Roma Street Brisbane, Queensland solemnly and sincerely affirm and declare as follows-

4. I am the State Secretary of the CFMEUQ;

5. Rule 77 of the CFMEUQ's registered rules provides that the rules of the CFMEUQ may only be amended by a resolution of the Management Committee;

6. I annex hereto and mark with the letters **"WT1"** a copy of Rule 77;

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

Deponent

Justice of the Peace

Rule 56 R 164

Acting Industrial Registrar 14/7/04

COM.0001.0014.5502

7. on 26 February 2004 the State Management Committee resolved to amend the rules of the CFMEUQ;

8. I annex hereto and mark with the letters **"WT2"** a copy of that resolution;

9. the proposed amendments to the Rules were passed in accordance with the registered rules of the CFMEUQ;

10. I annex hereto and mark **"WT3"** in landscaped form the present rules, the amendments and the proposed new rules;

11. as a consequence of the proposed amendments being approved by the Registrar it is necessary to add, with a view to maintaining compliance with the Act, a transitional Rule that continues the Offices of the CFMEUQ, the relevant structures of the CFMEUQ and the Officers of the CFMEUQ in existence from the date of the approval of the amendment until Officers take Office pursuant to either an election or an exemption from election in the forthcoming year (elections are to be held this calendar year);

12. this rule amendment is encompassed within the resolutions of the State Management Committee of the 27th February 2004 i.e. *"that the State Secretary be authorised to make such amendments as may be necessary to ensure compliance with the Act but not such as to alter the intention of the State Management Committee in relation to the proposed rules"*.

13. the proposed amendments do not contravene s 435 of the Act;

14. I am fully authorised to make this application.

15. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

CONSTRUCTION FORESTRY MINING AND ENERGY UNION INDUSTRIAL UNION OF EMPLOYEES QUEENSLAND

INDUSTRIAL REGISTRAR
1 JUN 2004
QUEENSLAND

Wally Tronetti
Secretary
Construction, Forestry, Mining & Energy,
Industrial Union of Employees, Queensland

AFFIRMED by the deponent at Brisbane on 31 May 2004

Before me

Solicitor

TO THE RESPONDENT(S):

TAKE NOTICE that if you wish to oppose this application or to argue that any different decision should be made, you must attend before the Registrar in person or, if appropriate, by your lawyer or agent at the time on the date and at the place fixed by the Registrar and you will be heard. If you do not attend as required a decision may be given against you in terms of the decision sought and costs, where appropriate, without further reference to you.

PARTICULAR OF THE APPLICANT

Name:	Wally Trohear
Title of office:	Secretary
Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Residential or business address	Level 2, 366 Upper Roma Street Brisbane Queensland
Applicant's address for service	**Level 9, 344 Queen Street Brisbane 4000**
Applicant's phone number or contact phone number:	3236 2355
Applicant's fax number *(if any)*:	3236 2230

Applicant's lawyer's name:	Mr John Payne
And firm name:	Hall Payne Lawyers
Lawyer's business address:	Level 9, 344 Queen Street Brisbane Qld 4000
Address for Service:	**Level 9, 344 Queen Street Brisbane Qld 4000**
Telephone:	07 3221 2044
Facsimile:	07 3229 9842

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Industrial Relations Act 1999, s 708

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APPLICATION FOR AMENDMENT OF RULES

This is the document marked 'WT1' mentioned in the affidavit of Wally Trohear.

affirmed before me on this 31 day of May 2004.

Solicitor

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bankers as to the balance of the account or accounts.

71.3 The Auditor shall furnish a written statement that all accounts and statements certified to are in accordance with law and these Rules, or, if unable to certify to the correctness of any of them, report forthwith to the State Executive in which respect they are incorrect.

71.4 The Auditor shall have power to place before the State Executive any suggestions concerning the financial affairs of the Union.

71.5 In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the State Executive shall appoint an Auditor qualified as aforesaid as a replacement.

71.6 The accounts of Sub-Branches shall be audited half-yearly in the manner provided in Sub-rule 66.15.

71.7 The financial year of the Union shall be the period ending 31st of December.

72. 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 Union Office for audit.

73. DONATIONS/LOANS

73.1 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of these Rules.

73.2 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 State Management Committee. It may be used for such payments assisting the Unions trade or any other trade.

73.3 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.

73.4 Requests for donations for purposes 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.

73.5 No member who has been less than 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 disentitled.

73.6 Notwithstanding anything contained elsewhere in these Rules a loan, grant or donation of any amount exceeding $1,000.00 shall not be made by the Union, unless the State Executive has satisfied itself:-

(a) that the making of the loan, grant or donation would be in accordance with the other 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.

74. INTERPRETATION OF RULES

The State Management Committee shall interpret all Rules of the Union requiring interpretation.

75. AFFILIATION

The State 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 Union voting. Such affiliation shall not interfere with the personal rights of the member's political code.

76. DISPUTES WITH MANAGEMENT

In the event of a dispute arising, no official of the Union shall interview the management with whom the Union is in dispute unless accompanied by at least one member actively concerned in the dispute.

77. ALTERATION OF RULES

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77.1 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 7 days notice to alter Union Rules has been given by the State Executive to the State Management Committee.

77.2 Provided that the State Management Committee may alter Union Rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.

77.3 Provided further that alterations to Union 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.

78. **DISSOLUTION**

Whenever the number of members in this Union is reduced to 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.

79. **BALLOTS/PLEBISCITES - CONTROL BY MEMBERS**

79.1 (a) The State Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Union direct the conduct of a plebiscite of the financial members of the Union on a matter concerning the Union.

(b) The State Management Committee or State Executive may direct the conduct of the plebiscite of the financial members of the Union on a matter concerning the Union.

(c) A plebiscite shall be conducted by secret ballot by a Returning Officer in accordance with Sub-rule 79.2 and shall be completed, in the case of a plebiscite under paragraph (a) within 2 months of the receipt by the State 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 State Management Committee or State 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 Union voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the State Management Committee or State Executive shall, so far as is practicable, implement the decision of the plebiscite.

79.2 (a) Where a request is received under paragraph (a) of Sub-rule 79.1 or a direction given under paragraph (b) of Sub-rule 79.1, the State 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 State Management Committee or the State Executive and (where the plebiscite is held following a request pursuant to paragraph (a) of Sub-rule 79.1), 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.

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(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 Union, 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.

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Industrial Relations Act 1999, s 708

(No. of 20)

APPLICATION FOR AMENDMENT OF RULES

This is the document marked 'WT2' mentioned in the affidavit of Wally Trohear.

affirmed before me on this 31 day of May 2004.

Solicitor

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CFMEUQ

1. That the State Management Committee of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland resolves to amend its rules as follows:

(a) A new Rule 17A be inserted following Rule 17 as follows:

17A

(a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters), three (3) State Vice-Presidents and State Executive Members, together with such Organisers as the State Executive may from time to time determine.

(b) For the purpose of interpreting these Rules "State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.

(b) Rule 18 be deleted and the following inserted:

STATE MANAGEMENT COMMITTEE

18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) all the State Assistant Secretaries;
(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:

(i) 10 from those eligible for membership by virtue of Rule 2.1;

(ii) 2 from those eligible for membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 (a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 18.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules.

(b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.

(c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.

18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.

18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.

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18.5 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.

(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.

18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.

18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-Presidents, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

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(c) Rule 20.1 be deleted and the following inserted:

20. **STATE EXECUTIVE**

20.1 There shall be a State Executive which shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) all the State Assistant Secretaries; and
(d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.

(d) Rule 23 be deleted and the following inserted:

23. **DUTIES OF ASSISTANT SECRETARIES**

23.1 The State Assistant Secretaries shall work under the direction of the State Management Committee and the State Secretary.

23.2 The State Assistant Secretaries shall assist the State Secretary in carrying out the duties set out in Rule 22.

23.3 In the absence of the State Secretary one of the Assistant State Secretaries shall be appointed by the State Management Committee as the Acting State Secretary.

23.4 Any Acting State Secretary shall be subject to Rules 22.13 and 26.

23.5 A fulltime/part-time State Assistant Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no fulltime/part-time State Assistant Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.

(c) Rule 24 to be deleted and the following inserted:

24. TRUSTEES

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary by one of the State Assistant Secretaries.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

(f) Rule 61.7 be deleted and the following inserted:

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

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The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers)	Qld State Assistant Secretary (Plasterers)
Qld Construction Workers Divisional Branch Assistant Secretary (Painters)	Qld State Assistant Secretary (Painters)
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b) (other than Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers) and Qld Construction Workers Divisional Branch Assistant Secretary (Painters))/FFTS Union Qld Divisional Branch Assistant Honorary Secretary	Qld State Assistant Secretary
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Vice-Presidents(Rule 2(A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS Union Qld Divisional Branch Honorary Secretary	State Vice-Presidents
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)

Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers

2. That the State Secretary be authorised to make application to the Registrar to amend the rules as soon as practicable.

3. That the State Secretary be authorised to make such amendments as may be necessary to ensure compliance with the Act but not such as to alter the intention of the State Management Committee in relation to the proposed rules.

Moved:

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Wally Trohear

Seconded:

Bob Bostock

Carried.

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Industrial Relations Act 1999, s 708

(No. of 20)

APPLICATION FOR AMENDMENT OF RULES

This is the document marked 'WT3' mentioned in the affidavit of Wally Trohear.

affirmed before me on this 31 day of May 2004.

Solicitor

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Form 8, R.49.

Old Rule	Amendment	Proposed New Rule
17. **BANKING AND EXPENDITURE OF FUNDS** 17.1 All moneys of the Union in Queensland shall be banked by the Union and Sub-Branch Officers in a registered banking institution or other such financial institution as the State Management Committee may decide, and which is consistent with the Rules of the Union. 17.2 The name of any such banking account shall include the words "Construction, Forestry, Mining & Energy Union of Employees, Queensland". 17.3 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.	Insert the following after Rule 17: **17A** a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters), three (3) State Vice-Presidents and State Executive Members, together with such Organisers as the State Executive may from time to time determine. b) For the purpose of interpreting these Rules "State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.	17. **BANKING AND EXPENDITURE OF FUNDS** 17.1 All moneys of the Union in Queensland shall be banked by the Union and Sub-Branch Officers in a registered banking institution or other such financial institution as the State Management Committee may decide, and which is consistent with the Rules of the Union. 17.2 The name of any such banking account shall include the words "Construction, Forestry, Mining & Energy Union of Employees, Queensland". 17.3 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. **17A** (a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters), three (3) State Vice-Presidents and State Executive Members, together with such Organisers as the State Executive may from time to time determine. (b) For the purpose of interpreting these Rules

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		"State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.
18. **STATE MANAGEMENT COMMITTEE** 18.1 On and from 1 January 2003, the State Management Committee of the Union shall comprise of the following: (a) the State President; (b) the State Secretary; (c) the Assistant State Secretaries (if any) (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i)10 from those eligible for membership by virtue of Rule 2.1; (ii) 2 from those eligible for membership by virtue of Rule 2.2; (iii) 1 from those eligible for membership by virtue of Rule 2.5. Provided always that: (i) the position of Union Secretary, State Assistant Secretary (if any) or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and (ii) the membership of the Management Committee of the Union shall not be	Rule 18 to be deleted and the following inserted: **STATE MANAGEMENT COMMITTEE** 18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following: (a) the State President; (b) the State Secretary; (c) all the State Assistant Secretaries; (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i) 10 from those eligible for membership by virtue of Rule 2.1; (ii)2 from those eligible for membership by virtue of Rule 2.2; (iii) 1 from those eligible for membership by virtue of Rule 2.5. Provided always that: (i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and (ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected	**STATE MANAGEMENT COMMITTEE** 18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following: (a) the State President; (b) the State Secretary; (c) all the State Assistant Secretaries; (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i) 10 from those eligible for membership by virtue of Rule 2.1; (ii)2 from those eligible for membership by virtue of Rule 2.2; (iii) 1 from those eligible for membership by virtue of Rule 2.5. Provided always that: (i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and (ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time

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comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.	officers or full-time employees.	elected officers or full-time employees.
18.2 The State Secretary, the State President and the State Assistant Secretaries (if any) shall be elected by all members of the Union, who are eligible to vote and in accordance with these Rules.	18.2 (a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 18.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules. (b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1. (c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.	18.2 (a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 18.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules. (b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1. (c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.
18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.	18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.	18.3 The State Management Committee shall elect from its members 3 State Vice Presidents.
18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.	18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.	18.4 A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.
18.5 The State Management Committee shall, not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of State Assistant Secretaries (if any) to be elected.	18.5 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected. (b) The State Management Committee shall, not less than 3 months prior to the	18.5 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.
18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.		
18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.		
18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries (if any),		

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State Trustees, Officials, Organisers, State President, State Vice-Presidents, members of the Management Committee, State Returning Officers ith	closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary. 18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum. 18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee. 18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-Presidents, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.	(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary. 18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum. 18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee. 18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-Presidents, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.
20. **STATE EXECUTIVE** 20.1 There shall be a State Executive which shall comprise of the following: (a) the State President; (b) the State Secretary;	Rule 20.1 be deleted and the following inserted: 20.1 There shall be a State Executive which shall comprise of the following: (a) the State President; (b) the State Secretary; (c) all the State Assistant Secretaries; and	20. **STATE EXECUTIVE** 20.1 There shall be a State Executive which shall comprise of the following: (a) the State President; (b) the State Secretary;

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(c) the State Assistant Secretaries (if any); (d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.	(d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.	(c) all the State Assistant Secretaries; and (d) 3 members, elected by and from the State Management Committee, 1 of whom is eligible for membership pursuant to Rule 2.1, 1 of whom is eligible for membership pursuant to Rule 2.2 and 1 of whom is eligible for membership pursuant to Rule 2.5.
23. **DUTIES OF ASSISTANT SECRETARIES** 23.1 The Assistant State Secretaries (if any) shall work under the direction of the State Management Committee and the State Secretary. 23.2 The Assistant State Secretary (if any) shall assist the State Secretary in carrying out the duties set out in Rule 22. 23.3 In the absence of the State Secretary one of the Assistant State Secretaries (if any) shall act as the Acting State Secretary as directed by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall appoint an officer to act as Acting State Secretary. 23.4 Any Acting State Secretary shall be subject to Rules 22.13 and 26. 23.5 An Assistant State Secretary (if any) shall act as the Secretary of the Brisbane Sub-	Delete Rule 23 and insert the following: 23. **DUTIES OF ASSISTANT SECRETARIES** 23.1 The State Assistant Secretaries shall work under the direction of the State Management Committee and the State Secretary. 23.2 The State Assistant Secretaries shall assist the State Secretary in carrying out the duties set out in Rule 22. 23.3 In the absence of the State Secretary one of the Assistant State Secretaries shall be appointed by the State Management Committee as the Acting State Secretary. 23.4 Any Acting State Secretary shall be subject to Rules 22.13 and 26. 23.5 A fulltime/part-time State Assistant Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no fulltime/part-time State Assistant Secretary	23. **DUTIES OF ASSISTANT SECRETARIES** 23.1 The State Assistant Secretaries shall work under the direction of the State Management Committee and the State Secretary. 23.2 The State Assistant Secretaries shall assist the State Secretary in carrying out the duties set out in Rule 22. 23.3 In the absence of the State Secretary one of the Assistant State Secretaries shall be appointed by the State Management Committee as the Acting State Secretary. 23.4 Any Acting State Secretary shall be subject to Rules 22.13 and 26. 23.5 A fulltime/part-time State Assistant Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no fulltime/part-time State Assistant

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Branch as determined by the State Management Committee and if there be no Assistant State Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.	appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.	Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.
24. **TRUSTEES** 24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary appointed then the officer appointed by the State Management Committee as Acting State Secretary. 24.2 The Union fund shall be vested in the names of the four (4) trustees. 24.3 The Union fund shall be banked in the manner prescribed in these Rules. 24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary one of the State Assistant Secretaries (if any) or if there is no Assistant State Secretary	Delete Rule 24 and insert the following: **24. TRUSTEES** 24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries. 24.2 The Union fund shall be vested in the names of the four (4) trustees. 24.3 The Union fund shall be banked in the manner prescribed in these Rules. 24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary by one of the State Assistant Secretaries. 24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.	**24. TRUSTEES** 24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries. 24.2 The Union fund shall be vested in the names of the four (4) trustees. 24.3 The Union fund shall be banked in the manner prescribed in these Rules. 24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary by one of the State Assistant Secretaries. 24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

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then the officer appointed by the State Management Committee as Acting State Secretary. 24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.		
61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-	Delete Rule 61.7 and insert the following: 61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-	61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction & General Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS Union Qld Divisional Branch Assistant Honorary	Qld State Assistant Secretary

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers)	Qld State Assistant Secretary (Plasterers)
Qld Construction Workers Divisional Branch Assistant	Qld State Assistant Secretary (Painters)

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers)	Qld State Assistant Secretary (Plasterers)
Qld Construction Workers Divisional Branch	Qld State Assistant Secretary (Painters)

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Secretary		
Qld Construction Workers Divisional Branch President	Qld State President	
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii)) & 2(A)(b))/FFTS Union Qld Divisional Branch Assistant Honorary Vice-President	State Vice-Presidents	
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)	
Qld Construction Workers Divisional	Qld State Management Committee Member	

Secretary (Painters)		
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b) (other than Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers) and Qld Construction Workers Divisional Branch Assistant Secretary (Painters))/FFTS Union Qld Divisional Branch Assistant Honorary Secretary	Qld State Assistant Secretary	
Qld Construction Workers	Qld State President	

Assistant Secretary (Painters)		
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b) (other than Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers) and Qld Construction Workers Divisional Branch Assistant Secretary (Painters))/FFTS Union Qld Divisional Branch Assistant Honorary Secretary	Qld State Assistant Secretary	
Qld Construction	Qld State President	

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Branch Management Committee Member (Rule 2(A)(b))	(Sub Rule 2.2)
FFTS Union Qld Divisional Branch Honorary Secretary	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers

Divisional Branch President	
Qld Construction Workers Divisional Branch Vice-Presidents(Rule 2(A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS Union Qld Divisional Branch Honorary Secretary	State Vice-Presidents
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union Qld Divisional	Qld State Management

Workers Divisional Branch President	
Qld Construction Workers Divisional Branch Vice-Presidents(Rule 2(A)(A)(3)(i) and (ii) & 2(A)(b))/FFTS Union Qld Divisional Branch Honorary Secretary	State Vice-Presidents
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
FFTS Union Qld	Qld State

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Branch Honorary Secretary	Committee Member (Sub Rule 2.5)	
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers	

Divisional Branch Honorary Secretary	Management Committee Member (Sub Rule 2.5)	
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers	

Insert the following after Rule 81

82 Transition

82.1 For the purposes of this Rule "amendment day" shall mean the day on which the Registrar registers the amendment to Rules proposed by the State Management Committee at its meeting on 27 February 2004.

82.2 For the purposes of this Rule an "application for exemption" means an application made by the Union, in accordance with these Rules, for exemption from election.

82.3 The offices of the Union on the day prior to amendment day shall comprise the offices of the Union up to and including midnight on 1 January 2005.

82.4 The offices that comprise the State Management Committee on the day prior to amendment day shall comprise the State Management Committee up to and

82 Transition

82.1 For the purposes of this Rule "amendment day" shall mean the day on which the Registrar registers the amendment to Rules proposed by the State Management Committee at its meeting on 27 February 2004.

82.2 For the purposes of this Rule an "application for exemption" means an application made by the Union, in accordance with these Rules, for exemption from election.

82.3 The offices of the Union on the day prior to amendment day shall comprise the offices of the Union up to and including midnight on 1 January 2005.

82.4 The offices that comprise the State Management Committee on the day prior to amendment day shall comprise the State Management Committee up to and including midnight on 1 January 2005.

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	including midnight on 1 January 2005.	
	82.5 The offices that comprise the State Executive on the day prior to amendment day shall comprise the State Executive up to and including midnight on 1 January 2005.	82.5 The offices that comprise the State Executive on the day prior to amendment day shall comprise the State Executive up to and including midnight on 1 January 2005.
	82.6 The officers of the Union who held office on the day prior to amendment day shall continue to hold those offices up to and including the day on which officers elected pursuant to these Rules take office following their election at elections to occur in 2004 provided that where an application for exemption is made then the officers holding office on the day prior to amendment day shall continue to hold office, subject to these Rules, up to and including the day on which officers take office as a result of the application for exemption.	82.6 The officers of the Union who held office on the day prior to amendment day shall continue to hold those offices up to and including the day on which officers elected pursuant to these Rules take office following their election at elections to occur in 2004 provided that where an application for exemption is made then the officers holding office on the day prior to amendment day shall continue to hold office, subject to these Rules, up to and including the day on which officers take office as a result of the application for exemption.

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QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(section 478)

(No. U11 of 2004)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Act, the amendments to Rule numbers 18, 20, 23, 24, and 61 of the Rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, and the insertion of new rules 17A and 82 have been approved and registered on 14 July 2004.

Dated at Brisbane 14 July 2004.



G. SAVILL
Acting Industrial Registrar

COM.0001.0014.5503

INDUSTRIAL REGISTRAR

INDUSTRIAL REGISTRAR
23 DEC 2005
QUEENSLAND

Industrial Relations Act 1999

(No R10/2005/30 of 2005)

APPLICATION FOR AMENDMENT OF THE RULES OF CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

TO: The Industrial Registrar, Industrial Registry, Level 18, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060, Fax:(07) 3221 6074

TAKE NOTICE that I, William Wallace Trohear being the Secretary of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland APPLY to the Commission for:

1. Amendment of Rules under sections 474 of the *Industrial Relations Act 1999* (the "Act"), and in the following affidavit is my statement of those matters required by the Act to be stated.

2. Attached to this application are:

   a) a copy of a resolution passed in accordance with the organisation's rules marked "A";

   b) a schedule setting out the proposed rule change marked "Schedule 1".

3. Further, I apply for directions as to the conduct of this application in relation to the following matters:

   a) parties;

   b) publication;

   c) nature of hearing;

   d) place of time and hearing.

4. Further, I, William Wallace Trohear, solemnly and sincerely affirm and declare as follows-

   a) I am the Secretary of the Applicant.

Signed: _____ Taken by: _____

Form 56, R.154

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b) On occasion, I have been informed and verily believe that persons working in certain of the callings in sub-rules 2.1, 2.2, 2.3 and 2.5 as independent contractors have made application to join the Applicant Union.

c) The amendment was proposed and approved in accordance with the Applicant Union's rules (and specifically, rule 77) in that:

i) the State Executive gave seven days' notice of the amendment to the Committee of Management;

ii) a motion was moved at the Committee of Management in the terms of the attached minute (marked "A") and was approved by a majority of members of the Committee of Management.

d) The nature and effect of the amendment is that it will ensure appropriate independent contractors are eligible for membership of the Union. The amendment is in similar terms to sub-rule 2(A)(j) of the rules of the Construction, Forestry, Mining and Energy Union, an organisation of employees registered under the *Workplace Relations Act 1996* (Cth).

e) I refer to section 474 of the Act.

f) There is no other organisation to which the people proposed to be covered by the new sub-rule could conveniently belong that would effectively represent them in a way consistent with the effects of the Act.

g) This application to amend the Eligibility rule of the Applicant, if approved, would not:

"contravene an agreement or understanding to which the Applicant is a party and which deals with the Applicant's right to represent;"

h) The proposed amendment:

i) would not change the effect of a full bench order under section 279 about the Applicant's right to represent; and

ii) would not give rise to a serious risk of a demarcation dispute that would prevent or restrict the performance of work in an industry, or harm an employer's business.

5. I am fully authorised to make this application.

6. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of my affidavit.

INDUSTRIAL REGISTRAR
23 DEC 2005
QUEENSLAND

Signed: Taken by:

INDUSTRIAL REGISTRAR
23 DEC 2005
QUEENSLAND

[insert seal of organisation]

William Wallace Tr...

AFFIRMED by the deponent at Brisbane on

Before me

Terri Megan Butler
Lawyer

End notes: When the application is in relation to registration of an organisation the application and each document accompanying the application **must be** signed and dated by the applicant's president and secretary (S415(1)(a) and reg section 20(6))

If the application is made by an organisation in relation to a change of list of callings (R.157(e)), amending name (R.162(e)), amending eligibility rule (R.163(e)) or deregistration (reg section 25) it **must be** under the industrial organisation's seal **or** be signed by 2 of the organisation's officers authorised to sign the application.

If the application is for, an exemption under chapter 12 part 13, deregistration or an approval under S 447 it must also state the grounds on which the application is made (reg section 21(a), (c) and (d)).
If the application is to submit a proposed amalgamation to a ballot it must be signed by the president and secretary of each joint applicant (reg, section 64(3)(c)).

PARTICULARS OF THE APPLICANT

Name:	William Wallace Trohear
Title of office:	Secretary
Organisation:	Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland
Residential or business address:	Level 2, 366 Upper Roma Street BRISBANE QLD 4000
Applicant's lawyer's name:	Terri Butler
And firm name:	Hall Payne Lawyers
Lawyer's business address:	Level 9, 344 Queen Street BRISBANE QLD 4000
Address for service:	**Level 9, 344 Queen Street BRISBANE QLD 4000**

Phone: (07) 3221 2044 Fax: (07) 3229 9842

INDUSTRIAL REGISTRAR
23 DEC 2005
QUEENSLAND

Schedule 1

CFMEU – proposed Rule Change 2.7

Present Registered Rule	Exact Description of the Amendment Sought	Proposed New Rule
2. **ELIGIBILITY** ... [No existing 2.7 – new sub-clause]	Insert new sub-rule after 2.6 in rule 2: "2.7 Without limiting the generality of the foregoing Sub-Rules of this Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, shall be eligible for membership of the Union, and the Union shall consist of an unlimited number of such persons." [No consequential amendments]	2. **ELIGIBILITY** ... 2.7 Without limiting the generality of the foregoing Sub-Rules of this Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, shall be eligible for membership of the Union, and the Union shall consist of an unlimited number of such persons.

INDUSTRIAL REGISTRAR
23 DEC 2015
QUEENSLAND

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CFM Union

Construction Forestry, Mining & Energy Union

Construction & General Division
Queensland Construction Workers' Divisional Branch
CFMS Union Division

(The Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland)
(Federated Engine Drivers and Firemen's Association of Australasia - Queensland Branch - Union of Employees)

Ph: (07) 3236 2300 366 Upper Roma Street, Brisbane Qld 4000 Fax: (07) 3236 2330
Email: qldcfmeu@qld.cfmeu.asn.au

State Secretary: WW Tronear Assistant Secretaries: MJ Ravbar, CR Price, PA Close State President: T Smith

MINUTES OF THE STATE MANAGEMENT COMMITTEE OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION, CONSTRUCTION & GENERAL DIVISION, QUEENSLAND CONSTRUCTION WORKERS' DIVISIONAL BRANCH AND CONSTRUCTION FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND HELD AT 366 UPPER ROMA STREET, BRISBANE ON THE 24TH AND 25TH NOVEMBER 2005.

The President, Tom Smith, presided.

Also Present: Wallace Trohear, Michael Ravbar, Peter Close, Chris Price, Paul Waters, Russell Beattie, Bob Bostock, Vincent Breen, Bradley Daniel, Laurie Gehrich, Jim Hardy, David Matakovic, Kevin Carroll, Sean Quinn, Stephen Lord, Gregory McLaren, Ted Millard, Geoffrey Smith, Garland Whitehall, Alan Poutney, Gordon MacFarlane.

Visitors: Peter Stone, David Begley, Rodney Black, John Forrest, Stephen Williams

Apologies: Gary Jurss-Lewis,

Meeting opened at 9:00am.

INDUSTRIAL REGISTRAR
23 DEC 2005
QUEENSLAND

INDUSTRIAL REGISTRAR
23 DEC 2005
QUEENSLAND

RULES

The State Secretary reported that the proposed rule change was our movement into the coverage of independent contractors and we were reflecting what our Federal Rules were.

The State Secretary produced the following proposed resolutions:

SMC endorses the following resolution:

a) resolving that the Union's rules be amended by inserting a new clause 2.7 in the following terms:

> "2.7 *Without limiting the generality of the foregoing Sub-Rules of this Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, shall be eligible for membership of the Union, and the Union shall consist of an unlimited number of such persons.*"

b) authorises the State Secretary to sign the proposed application, and to do all things necessary to achieve that rule change;

c) acknowledges there is no other organisation under the *Industrial Relations Act 1999* to which the persons proposed to be covered by the amended rule could conveniently belong, that would effectively represent them in a way consistent with the objects of the Act;

d) acknowledges that the proposed rule change would not contravene any agreement or understanding to which the Union is a party;

e) the proposed rule change would not change the effect of any full bench order under section 279 about the Union's right to represent; and

4. acknowledged that the proposed rule change would not give rise to a genuine risk of a demarcation dispute that would prevent or restrict the performance of work in an industry or harm any employer's business.

Moved: Wallace Transport Seconded: Jim Hardy

INDUSTRIAL REGISTRAR
23 DEC 2015
QUEENSLAND

INDUSTRIAL REGISTRAR
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There being no further business, the meeting closed at 12.30p.m.

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(section 476)

(Matter RIO/2005/30)

CERTIFICATE OF REGISTRATION OF ELIGIBILITY RULE AMENDMENT

I hereby certify that pursuant to the Act, the amendments to Rule number 2.7 of the Rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, have been approved and registered on 12 April 2006.

Dated at Brisbane 21 April 2006.

G. D. SAVILL,
Industrial Registrar.

COM.0001.0014.5505

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

INDUSTRIAL REGISTRAR

20 DEC 2006

QUEENSLAND

Industrial Relations Act 1999

(No R10 of 2006)

APPLICATION FOR PARTIAL ALTERATION OF RULES

TO: The Industrial Registrar, Industrial Registrar's Office, Level 18, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, and such other person as the Registrar may direct.

TAKE NOTICE THAT I Wallace Trohear, of 366 Upper Roma Street, Brisbane, Queensland 4000, being the State Secretary and a member of the State Management Committee of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") being authorised to represent the CFMEUQ:

1. Apply for partial alteration to the Rules of the CFMEUQ under Section 478(2) of the *Industrial Relations Act 1999* (the "Act") and in accordance with rule 77 of the Rules of the CFMEUQ.

2. Attach hereto as Schedule 1 a copy of the resolution to amend the rules.

3. Attach hereto as Schedule 2 a schedule divided into 3 columns containing the present rule, the alteration sought and the proposed new rule.

4. The proposed rule is in compliance with the Act.

5. The existing rules of the CFMEUQ have been complied with in making the proposed new rule.

Additionally, I make oath and swear as follows:

6. I am fully authorised in compliance with the Act and the rules of court to make this application.

7. The resolution for amendment of the Rules proceeded by means of a ballot in accordance with Rule 77.

8. I gave notice to the members of the State Management Committee as required by Rule 77.1.

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION OF EMPLOYEES QUEENSLAND

Justice of the Peace/Solicitor/ to Bail
Commissioner for Declarations

9. The State Management Committee met on 23 November 2006 and was quorate in accordance with the Rules for the conducting of a ballot.

10. The resolution of the State Management Committee was carried unanimously by the members of the State Management Committee. I have annexed as Schedule 1 to this affidavit a copy of an excerpt from the minutes of the State Management Committee of the CFMEUQ held on 23 November 2006 relating to the resolution.

11. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
CONSTRUCTION, FORESTRY, MINING & ENERGY UNION OF EMPLOYEES, QUEENSLAND

.....
[redacted]
State Secretary, Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

SWORN by the deponent at Brisbane on 1st December, 2006
Before me:

.....
Solicitor/Justice of the Peace/Commissioner for Declarations

* Affix seal of Union

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PARTICULARS OF THE APPLICANT

Name:	Wallace Trobcar
Title of office:	Secretary
Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.
Business address:	366 Upper Roma Street, Brisbane, Queensland 4004
Applicant's address for service:	**366 Upper Roma Street, Brisbane, Queensland 4000**
Applicant's contact phone number:	3236 2355
Applicant's fax number:	3236 2230

Applicant's lawyer's name:	John Payne
And firm name:	Hall Payne Lawyers
Lawyer's business address:	Level 9, 344 Queen Street Brisbane Queensland 4001
Address for service:	**Level 9, 344 Queen Street Brisbane Queensland 4001**
Phone: 3017 2400	Fax: 3846 0811
E-mail address:	johnp@hallpayne.com.au

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999

(No of 2006)

APPLICATION FOR PARTIAL ALTERATION OF RULES

This is the Schedule marked 'Schedule 1' mentioned in the affidavit of Wallace Trahear [sworn][affirmed] before me on this day of 19/12/2006

Signed: 

Witness: [illegible]

[Justice of the peace] [commissioner for declarations] [lawyer]

Form 8, R.49.

Schedule 1

UNION RULE CHANGE

The State Secretary reported that for changes to occur in the Assistant Secretary (Painters) positions that a rule change will need to occur. The State Management Committee resolves that:

1. Rule 18.5 be amended by inserting immediately following Rule 18.5(b):

   "(c) Despite Rule 17A and Parts (a) and (b) of this Sub-rule, the State Management Committee may determine that:

   i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;

   ii. where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished or whether it is to be filled on an honorary or full-time basis."

2. the State Secretary be authorised, and directed, to do all things necessary to effect the proposed rule change.

Moved: Wallace Trotter Seconded: Michael Ravbar

Carried unanimously

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999

(No of 2006)

APPLICATION FOR PARTIAL ALTERATION OF RULES

This is the Schedule marked 'Schedule 2' mentioned in the affidavit of Wallace Treheir [sworn][affirmed] before me on this day of /9· /1 · 2006

Signed: CONSTRUCTION FORESTRY MINING AND ENERGY UNION INDUSTRIAL UNION OF EMPLOYEES QUEENSLAND

Witness: [illegible]

[Justice of the peace] [commissioner for declarations] [lawyer]

Form 8, R.49.

Schedule 2

Existing Rule	Resolution	Amended Rule
18. **STATE MANAGEMENT COMMITTEE** 18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following: (a) the State President; (b) the State Secretary; (c) all the State Assistant Secretaries; (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i) 10 from those eligible for membership by virtue of Rule 2.1; (ii) 2 from those eligible for membership	The State Management Committee resolves that: 1. Rule 18.5 be amended by inserting immediately following Rule 18.5(b): *"(c) Despite Rule 17A and Parts (a) and (b) of this Sub-rule, the State Management Committee may determine that:* *i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;* *ii. where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether*	18. **STATE MANAGEMENT COMMITTEE** 18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following: (a) the State President; (b) the State Secretary; (c) all the State Assistant Secretaries; (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i) 10 from those eligible for membership by virtue of Rule 2.1; (ii) 2 from those eligible for membership

by virtue of Rule 2.2;			by virtue of Rule 2.2;
(iii) 1 from those eligible for membership by virtue of Rule 2.5.			(iii) 1 from those eligible for membership by virtue of Rule 2.5.
Provided always that:			Provided always that:
(i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and			(i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and
(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time			(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time
		the office shall be abolished or whether it is to be filled on an honorary or full-time basis.";	
	2.	the State Secretary be authorised, and directed, to do all things necessary to effect the proposed rule change.	

	employees.
16.2	(a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 16.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules. (b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1. (c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.
16.3	The State Management Committee shall elect from its members 3 State Vice Presidents.
16.4	A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.
16.5	(a) The State Management Committee shall, not less than 3 months prior

	employees.
16.2	(a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 16.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules. (b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1. (c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.
16.3	The State Management Committee shall elect from its members 3 State Vice Presidents.
16.4	A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.
16.5	(a) The State Management Committee

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to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.		shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.
(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.		(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.
16.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.		(c) Despite Rule 17A and Parts (a) and (b) of this Sub-rule, the State Management Committee may determine that:
16.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.		(i) a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;
16.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-Presidents, members of the Management		(ii) where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished or whether it is to be filled on an

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Committee; State Returning Officers and Deputy Returning Officers, and Scrutineers.		honorary or full-time basis.
		18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.
		18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.
		18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-Presidents, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Industrial Relations Act 1999, s 708

In the matter of an application by the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland for amendment of its eligibility rule

(No. RIO/2005/30)

AFFIDAVIT OF WALLACE TROHEAR

TO: The Industrial Registrar, Industrial Registry, Level 18, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane 4001

I, Wallace Trohear, Secretary of the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland, of Level 2, 366 Upper Roma Street, Brisbane in the State of Queensland, solemnly and sincerely affirm and declare:

1. I refer to application RIO/2006/107 and to paragraph 4(i) of my affidavit filed in that matter.

2. The resolution of the State Management Committee approving the proposed changes to the rules of the Union was conducted in accordance with Rule 77.3 by means of a Postal Ballot of the members of the State Management Committee.

3. The resolution was proposed by me and seconded by Mr Michael Ravbar, the State Assistant Secretary (Painters).

4. Prior to conducting the Postal Ballot I formed the view that the matter was urgent in nature, as it was consequential to a rule change that had been previously granted.

5. The result of the postal ballot was that the members of the State Management Committee unanimously endorsed the resolution with more than two thirds of the members of the State Management Committee returning ballots.

6. The last postal ballot was received in this ballot on 16 October 2006 and it is that date that is the effective date of the resolution.

7. All the facts and circumstances herein deposed to are within my own knowledge, save such as are deposed to from information only, and my means of knowledge and sources of information appear on the face of this my Affidavit.

AFFIRMED by Wallace Trohear on 19th December 2006 at Brisbane in the presence of:

Deponent

A Justice of the Peace/Solicitor/
Commissioner for Declarations

© Commonwealth of Australia (IRC/QLD/Level 5/Industrial Registry/Central Plaza 2/66 Eagle Street, Brisbane QLD 4000) Parker & Hibbert as Trustee for the

This affidavit is filed for the applicant

PARTICULARS OF THE APPLICANT

Name:	William Wallace Trohear
Title of office:	Secretary
Organisation:	Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland
Residential or business address:	Level 2, 366 Upper Roma Street BRISBANE QLD 4000
Applicant's lawyer's name:	Terri Butler
And firm name:	Hall Payne Lawyers
Lawyer's business address:	27 Peel St SOUTH BRISBANE QLD 4101
Address for service:	27 Peel St SOUTH BRISBANE QLD 4101
Phone:	(07) 3017 2400
Fax:	(07) 3846 0811

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(Section 478)

(Matter Nos. RIO/2009/2 and RIO/2009/29)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Industrial Relations Act 1999, the amendments to the index and rules numbered 3, 17A, 18, 18A, 20, 21, 28, 59, 61 and 82 of the Rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, have been approved and registered on 26 February 2009.

Dated at Brisbane this twenty-sixth day of February 2009.

G.D. SAVILL
Industrial Registrar

COM.0001.0014.5507

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

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5.	Entrance Fee
6.	Contributions
7.	Financial Membership
8.	Resignation of Members
9.	Transfer of Members
10.	Duties of Members
11.	Misconduct of Members
12.	Appeals of Members and Sub-Branches to State Management Committee
13.	Control and Suspension of Members
14.	Register of Members and Officers
15.	Recovery of Arrears
16.	Property and Funds of the Union
17.	Banking and Expenditure of Funds
17A	Officers
18.	State Management Committee
18A	Meetings of the State Management Committee
19.	State Management Committee Finance
20.	State Executive
21.	Duties of the State President/State Vice-President
22.	Duties of State Secretary
23.	Duties of Assistant Secretaries
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49. Scrutineers - Appointment

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65. Election of Delegates

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75. Affiliation

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"A"

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

1. **NAME AND OFFICE**

1.1 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".

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

1.3 This 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.

2. **ELIGIBILITY**

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.

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, condensors, 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.

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(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.

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.

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.

2.5 The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories,

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picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

2.6 Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

2.7 Without limiting the generality of the foregoing Sub-Rules of this Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, shall be eligible for membership of the Union, and the Union shall consist of an unlimited number of such persons.

3. OBJECTS

3.1 The objects of the Union shall be to:

a. to enrol in the Union persons eligible to be members;

b. to advance the interests of members and secure appropriate classification structures with appropriate rates of pay that adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

c. to ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system;

d. to ensure that rates of pay and other provisions in awards adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

e. to advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies;

f. to provide legal protection for members with respect to industrial and work injury related matters;

g. to assist members in the event of unemployment, sickness, injury, mortality or industrial dispute;

h. to establish Sub-Branches and Sections of the Union and organise members into Sub-Branches and Sections throughout Queensland;

i. to publish or contribute to the publication of a Union Journal, newspaper or other media;

j. to assist in the establishment and maintenance, or to contribute to the establishment and maintenance of, a labour journal, newspaper and/or other media;

k. to advance the living and working conditions of workers and their families, and to assist kindred unions and other bodies having objects similar in whole or in part to the objects of the Union;

l. to advance the living and working conditions of workers and independent contractors, whether individually or as a whole, in the construction industry;

m. to assist and advance the conditions of members who have retired;

n. to affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association, any political party or any other organisation having objects similar in whole or in part to the objects of the Union;

o. to hold, purchase, lease, mortgage, sell or otherwise deal in property;

p. to make financial provision for the carrying out of the objects;

q. 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, social or other legislation;

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r. to secure preference of employment for unionists generally and for Financial Members;

s. to establish and maintain, or to contribute to the establishment and maintenance of, an employment bureau for Financial Members;

t. to contribute to any charitable or public benevolent institution;

u. to constitute, conduct, carry on and manage clubs, holiday and rest centres for the benefit of Financial Members and their families;

v. to co-operate and maintain contact with members, other unions, labour bodies and socially responsible organisations in Australia and overseas;

w. to be involved in socially responsible actions as part of the wider community in Australia and overseas;

x. to bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises;

y. to organise the education of members;

z. to promote the policy of equality of status and opportunity for all members;

aa. to promote the employment of women in industries and enterprises falling within the eligibility of the Union;

bb. to increase the number of female members;

cc. to encourage the participation by women in union activities and decision making bodies;

dd. to adopt, promote and implement family friendly policies for members, Union employees and officials;

ee. to increase the number of women employed by the Union;

ff. to ensure there is equal employment and career path opportunity for women employed by the Union;

gg. to establish a fund from which to provide retiring allowances to full time Officers and employees of the Union or its Divisional Branches.

hh. to establish and administer trust funds ("the Trust Funds") for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

ii. to contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

jj. to transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any

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charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

kk. to pursue such other objects as the State Delegates Convention or the State Management Committee may from time to time determine;

ll. to enter into contracts and agreements for the purpose of carrying out the objects of the Union;

mm. to do all such things as may be necessary or incidental to the carrying out of the objects of the Union;

nn. none of the objects expressed in Sub-Rules (a) to (mm) are to be read in such a way as to limit any other of those objects.

3.2 The Union has, in the exercise of its affairs, all the powers of an individual.

3.3 Without limiting the power provided in Subrule 3.2 the Union may exercise the following powers:

a. enter into contracts;

b. acquire, hold, deal with and dispose of property;

c. make charges for services and facilities it supplies;

d. borrow or raise or secure the payment of money in a way determined, by resolution, at any general meeting;

e. secure the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way including the issue of debentures, perpetual or otherwise, charged upon any of the Union's property, both present and future;

f. purchase, redeem or pay off any securities of the Union;

g. borrow amounts from members and pay interest on the amounts borrowed, provided that the rate of interest shall not be more than the rate for the time being charged on overdrawn accounts on money lent (whatever the sum) by:

(i) the financial institution for the Union; or

(ii) if there is more than 1 financial institution for the Union – the financial institution decided by the management committee;

h. mortgage or charge the Union's property or any part of the property;

i. issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Union;

j. provide and pay off any such securities;

k. invest in a way determined, by resolution, at any general meeting;

l. appoint, employ, remove or suspend any servant, agent or volunteer of the Union;

m. enter into and obtain from any Local, State or Federal Government or Local, State or Federal Authority any rights, privileges and/or concessions;

n. construct, improve, maintain, develop or alter any houses, buildings or grounds of the Union;

o. take any gift of property bequeathed to the Union whether subject to any special trust and to utilize and/or dispose of it;

p. encourage by personal or written appeals, public meetings or any other method the procuring of contributions to the funds of the Union, in the form of donations, annual subscriptions, gifts or otherwise;

q. print newspapers, periodicals, books or leaflets;

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r. make donations for charitable or community purposes;

s. do any other thing necessary or convenient to be done in carrying out its affairs;

t. do all things which are necessary or desirable for the attainment of any of the Unions objects.

3.4 No power provided for in Sub-rule 3.3 of this rule limits the operation of any other power provided for in Sub-rule 3.3 of this rule or a power that may be otherwise provided for in the rules of the Union.

3.5 Without limiting the powers expressed in Sub-Rules 3.1, 3.2 and 3.3, the Union shall achieve its objects by the application of all lawful means available to it including, without limitation, industrial, political and legal means.

3.6 Without limiting the powers expressed in Sub-Rules 3.1, 3.2, 3.3 and 3.5 the Union shall provide such funds and resources as necessary for furthering its objects and any expenditure out of the funds of the Union in furtherance of the achievement of any of the objects of the Union shall be deemed to be part of the ordinary expenses of the Union.

4. APPLICATION FOR MEMBERSHIP

4.1 Application for membership of the Union shall be in writing signed by the applicant on the form determined by the State Management Committee.

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

4.3 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.

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 State Secretary, the Sub-Branch Secretary or authorised person, the required Entrance Fee, and six months contributions.

4.5 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.

4.6 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.

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 Union Rules free of charge on request.

4.9 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 Union.

5. ENTRANCE FEE

5.1 An applicant who has no arrears of contributions, levies, fines or fees standing against them from a previous period of membership shall pay an entrance fee as the State Management Committee may decide, but not more than 3 months dues contributions.

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5.2 An applicant who has arrears of contributions, levies, fines or fees standing against them from a previous period of membership shall pay an entrance fee being such sum as shall be determined by the State Management Committee provided that it is not more than the equivalent of 1 years contributions.

6. CONTRIBUTIONS

6.1 The payment of membership contributions shall be half-yearly and shall not exceed one and one half percentum (1 ½%) of the National Building Construction Industry Award rate for a carpenter multiplied by twenty-six (26).

6.2 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.

6.3 The sum of 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 such publications to financial members of the Union.

6.4 Sub-Branch committees may grant exemption from contributions to members who have been unemployed for more than 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.

6.5 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, in advance, of $5 or such amount as may be determined by the State Management Committee, 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 their Sub-Branch Secretary.

6.6 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 the applicant joined. Such credit shall be calculated on a monthly basis.

7. FINANCIAL MEMBERSHIP

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

7.2 Notwithstanding the foregoing, any member, having made application to join and paid the entrance fee, having commenced on a pay roll deduction scheme in excess of 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.

8. RESIGNATION OF MEMBERS

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

8.2 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 to the Office of the Union.

8.3 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 in accordance with these Rules.

8.4 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, subject to the Act, be sued for and recovered in the name of the Union.

9. TRANSFER OF MEMBERS

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The State Management Committee shall have the power, at the request of a member, to order the transfer of any member from a Sub-Branch to any other Sub-Branch, 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.

10. **DUTIES OF MEMBERS**

10.1 No member shall call on or write to any Sub-Branch Secretary at the works where the Sub-Branch Secretary is employed.

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

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

10.4 A member, being aware of the death of any other member, shall notify the State Secretary.

11. **MISCONDUCT OF MEMBERS**

11.1 Subject to Rule 26, 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 the member from membership or suspend the member from benefit for a period of not more than six months for such an offence.

11.2 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.

11.3 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.

11.4 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 the 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 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.

11.5 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 State 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 these Rules for the conduct of the business of the Union or Sub-Branch.

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

11.7 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.

11.8 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.

11.9 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 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.

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

12.1 Any member finding themself aggrieved against the actions or decisions of the Officers or members of the Union may, in the case of any grievance, appeal to their Sub-Branch for redress, and, if still aggrieved, they may further appeal to the

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State Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

12.2 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.

12.3 The State Management Committee shall not consider any appeal for assistance pursuant to Rule 41 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

13. CONTROL AND SUSPENSION OF MEMBERS

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

13.2 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.

13.3 A fine imposed under this Rule shall not exceed $10, nor shall any suspension from benefit exceed a period of three years.

14. REGISTER OF MEMBERS & OFFICERS

14.1 A register of members and all Officers of the Union shall be kept in the Union Office.

14.2 The register shall be arranged according to sub-branches

14.3 A financial member of the Union may at all reasonable times inspect the books, membership records, documents and other property of the Union.

15. RECOVERY OF ARREARS:

15.1 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 State Secretary shall take the necessary steps for the recovery of such arrears.

15.2 The State Secretary 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.

15.3 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and a half years shall be waived by the Union.

16. PROPERTY & FUNDS OF THE UNION

16.1 For the purpose of carrying out all or any of the objects of the Union, there shall be a fund of the Union and the Union 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 Union Fund for its use and benefit pursuant to the Rules of the Union.

16.2 Without limiting the generality of Union Sub-rule 16.1 the Union Fund shall consist of:-

(a) any real or personal property of which the Union 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 Union;

(c) any interest, rents, dividends or other income derived from the investment of the state fund;

(d) any superannuation or long service leave fund operated or controlled by the Union for the benefit of its Officers or employees;

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(e) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the Union 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.

17. **BANKING AND EXPENDITURE OF FUNDS**

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

17.2 The name of any such banking account shall include the words "Construction, Forestry, Mining & Energy Union of Employees, Queensland".

17.3 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.

17A **OFFICERS**

(a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters), a State Vice-President and State Executive Members, together with such Organisers as the State Executive may from time to time determine.

(b) For the purpose of interpreting these Rules
"State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.

18. **STATE MANAGEMENT COMMITTEE**

18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) all the State Assistant Secretaries;
(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:

(i) 10 from those eligible for membership by virtue of Rule 2.1;

(ii) 2 from those eligible for membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 (a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 18.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules.

(b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.

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(c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.

18.3 The State Management Committee shall, at its first meeting held following a quadrennial election, elect from its members a State Vice-President who shall not, apart from holding the office of State Management Committee member, hold any other office in the Union.

18.4 (a) A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.

(b) A full time official of the Union shall not be eligible to stand for the position of State Vice-President and the office of State Vice-President shall be honorary.

18.5 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.

(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.

(c) Despite Rule 17A and Parts (a) and (b) of this Sub-rule, the State Management Committee may determine that:

i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;

ii. where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished or whether it is to be filled on an honorary or full-time basis.

18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.

18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-President, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

18A MEETINGS OF THE STATE MANAGEMENT COMMITTEE

18A.1 The State Management Committee shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Management Committee, summon a meeting of the State Management Committee to be held within 7 days of the receipt of the request by the State Secretary.

18A.2 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Management Committee.

18A.3 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Management Committee may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Management Committee are able to communicate with each other without being physically present; or

(b) a ballot of the State Management Committee members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

18A.4 If the State President is absent from a meeting of the State Management Committee the Vice-President shall act and shall have the powers of the President while so acting.

18A.5 If at any meeting of the State Management Committee no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14

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days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

18A.6 The minutes of each State Management Committee meeting shall be prepared by the State Secretary and forwarded to each member of the State Management Committee and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Management Committee meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

18A.7 A member of the State Management Committee absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

19. STATE MANAGEMENT COMMITTEE FINANCE

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

19.2 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 the Union Rules and the State Management Committee shall annually in the month of December, or such other time as the Union Committee may decide, reimburse this Sub-Branch account as required by the Sub-Branch to restore the account to the original sum.

19.3 The State 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 State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in the absence of the State Secretary the Acting State Secretary). No donation exceeding $200 shall be made without the approval of the State Executive.

19.4 The financial year of the Union shall be the 12 month period ending the 31st of December or such other period as the State Management Committee decide.

20. STATE EXECUTIVE

20.1 There shall be a State Executive which shall comprise of the following:

(a) the State President;
(b) the State Vice-President;
(c) the State Secretary;
(d) all the State Assistant Secretaries; and
(e) a member, elected, by, and from, the members of the State Management Committee, who are not full time officials and who do not apart from holding the office of State Management Committee member hold any other office in the Union, at its first meeting held following a quadrennial election.

20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.

20.3 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.

20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.5 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

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20.6 If the State President is absent from a meeting of the State Executive the Vice-President shall act and shall have the powers of the President while so acting.

20.7 (a) If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

(b) One half plus one of the number of the members of the State Executive holding office shall constitute a quorum

20.8 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

20.9 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

21. DUTIES OF THE STATE PRESIDENT/STATE VICE-PRESIDENT

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

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

21.3 The State President shall conduct the business in accordance with the standing orders and Rules of debate provided for in these Rules.

21.4 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.

21.5 In the absence of the State President at any meeting, or if the State President is present but refuses to act, the State Vice-President shall act, and shall whilst so acting, act with all the powers of the State President.

22. DUTIES OF STATE SECRETARY

22.1 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.

22.2 The State Secretary shall be the Chief Executive Officer of the Union and shall conduct and manage the affairs of the Union, subject to these Rules, between meetings of the State Executive.

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

22.4 The State Secretary shall be the registered State 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 State Management Committee has jurisdiction unless these Rules otherwise provide.

22.5 The State Secretary shall keep a correct record of the members in the Union 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.

22.6 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 Act and amendments thereof.

22.7 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 22.10.

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22.8 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.

22.9 The State Secretary shall attend to court, legal, industrial matters and/or other matters or other hearings before any Industrial Commission, Tribunal, Board and/or Court or any other such body.

22.10 The State Secretary shall keep all books and documents necessary to a proper working of the Office and of the State 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 State Management Committee the State Management Committee shall publish same to the members and then lodge it with the Registrar.

22.11 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 of the existence or likelihood of industrial disputes.

22.12 Should the State Secretary fail to carry out the State Secretary's duties to the satisfaction of the State Management Committee the State Secretary may be dealt with by such committee in the manner prescribed in Rule 26.

22.13 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 26. 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 the State Secretary's successor in Office they shall be audited.

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

23. DUTIES OF ASSISTANT SECRETARIES

23.1 The State Assistant Secretaries shall work under the direction of the State Management Committee and the State Secretary.

23.2 The State Assistant Secretaries shall assist the State Secretary in carrying out the duties set out in Rule 22.

23.3 In the absence of the State Secretary one of the Assistant State Secretaries shall be appointed by the State Management Committee as the Acting State Secretary.

23.4 Any Acting State Secretary shall be subject to Rules 22.13 and 26.

23.5 A fulltime/part-time State Assistant Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no fulltime/part-time State Assistant Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.

24. TRUSTEES

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary by one of the State Assistant Secretaries.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

25. ORGANISERS

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25.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of organisers to be elected. They shall also determine the area of the State in which organisers shall reside and operate, and may if income is sufficient appoint additional organisers.

25.2 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 Union as directed by the State Management Committee.

25.3 Union 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 State Management Committee.

25.4 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.

26. REMOVAL OF OFFICERS

26.1 Any Officer of the Union being charged, in accordance with the Rules of the Union with 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.

26.2 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.

26.3 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.

26.4 Should the Officer be found guilty and there be no appeal within the prescribed time, and/or the Officer's appeal be rejected, the 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 28.

27. SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments and/or honorariums as the case may be 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.

28. NOMINATION OF STATE PRESIDENT, STATE VICE PRESIDENT, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.2 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry of the Union 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.

28.2 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 Assistant State Secretaries State President State Vice-President	Three years financial membership
State Management Committee	One years

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Members	financial
District Secretary/Organiser	membership
State Organisers	

28.3 The term of Office for the above positions shall be four years.

28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.

28.5 (a) The term of office for the officers of the Union (excluding the State Vice-President and the State Executive Member) and the members of the State Management Committee shall commence on and from the 2 January in the year following the election for such offices held in accordance with these rules and they shall hold those offices, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

(b) The State President, State Secretary and the State Assistant Secretaries shall take office on the State Executive on, and from, the day they take office pursuant to sub-rule (a) and they shall hold that office, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

(c) The State Vice-President and State Executive Member shall commence to hold office from the declaration of results at the 1st meeting of the State Management Committee following the taking of office by the members of the State Management Committee pursuant to sub-rule (a) and they shall hold those offices, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

29. **ELECTION PROCEDURE DEFINITIONS**

Definitions:

"ballot box" means a ballot box kept under Rule 43.

"Candidate", for an election, means a person:

(a) who has nominated as a Candidate for the office the election is about; and

(b) whose nomination has been accepted under Rule 34.3; and

(c) whose nomination has not been withdrawn.

"Election Procedures Rules" means Rules 29 – 58 of these Rules.

"eligible member" means a person who was a financial member of the Union 30 days before the starting time for nominations.

"higher office" means:

(a) for the office of State Management Committee member—any office other than the office of trustee; or

(b) for the office of State Assistant Secretary—the office of State Secretary, State Vice-President or State President; or

(c) for the office of State Secretary—the office of State Vice-President or State President; or

(d) for the office of State Vice-President—the office of State President.

"industry sub-group" mean the industry sub-groups respectively provided by Sub-rules 2.1, 2.2, and 2.5 of these Rules.

"initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

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"Manager of an Election" means:

(a) the electoral officer conducting the election or ballot; or

(b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.

"member" means a member of the Union.

"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.

"return envelope" see Rule 42.1 (c).

"roll", for an election, means the roll of Voters prepared for the election under Rule 38.

"scrutineer" means:

(a) a Candidate who acts personally as a scrutineer; or

(b) a person appointed as a scrutineer for a Candidate under Rule 49.

"State Secretary" means:

(a) the person holding office as the Union's State Secretary; or

(b) another officer of the Union, however described, who has the functions of the Union's State Secretary.

"trustee" means the office of a person holding, whether as trustee or otherwise, property:

(a) of the Union; or

(b) that the Union has a beneficial interest in.

"Voter" means a person:

(a) who is an eligible member; and

(b) whose name is on the roll under Rule 38.

"voting material" see Rule 42.1.

PART 2—MANAGER OF ELECTION

30. **MANAGER OF ELECTION—FUNCTIONS AND POWERS**

30.1 The Manager of an election:

(a) must not influence, or attempt to influence, the outcome of the election; and

(b) must conduct the election under these Election Procedure Rules except where the Rules expressly provide otherwise; and

(c) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(d) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

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30.2 The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(a) to ensure no irregularities happen in the election; or

(b) to remedy a procedural defect that appears to the Manager to exist about the election.

30.3 To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.

PART 3—PRE-ELECTION PROCEDURES

31. **CLOSING DAY AND TIME FOR NOMINATIONS**

31.1 The Manager of the election must fix the opening day and closing day for nominations for office.

31.2 The closing day must be at least 28 days after notice is given under Rule 33.

31.3 Nominations open at midday on the opening day and close at midday on the closing day.

32. Starting and finishing days of ballot

32.1 If a ballot becomes necessary under Rule 36, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

32.2 The start day must not be before the closing day for nominations for the offices to be filled at the election.

33. Calling for nominations

33.1 The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(a) by post to each member at the address recorded in the members register;

(b) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter; or

(c) in a daily newspaper circulating in the area where the Union's members live or work.

33.2 The notice must state:

(a) the opening day for nominations; and

(b) the closing day for nominations; and

(c) that nominations for office:

(i) open at midday on the opening day; and

(ii) close at midday on the closing day; and

(d) who may nominate as a Candidate in the election; and

(e) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(f) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 36; and

(g) that only a person who was a financial member 30 days before the opening time for nominations may Vote in the election; and

(h) that the ballot will be decided by a preferential system of voting.

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34. **NOMINATION PROCEDURE**

34.1 A nomination for office must be written, signed by the nominee, otherwise comply with these Rules and be given to the Manager of the election before nominations close.

34.2 A person may nominate for more than 1 office.

34.3 The Manager must accept a nomination if:

(a) it complies with Sub-rule 34.1; and

(b) the nominee is an eligible member and is otherwise entitled pursuant to these Rules to nominate; and

(c) the nominators are entitled pursuant to these Rules to nominate the nominee; and

(d) these Rules, in so far as they expressly provide in relation to the nomination process, are complied with.

34.4 A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

35. What happens if a nomination is defective

35.1 The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

35.2 If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:

(a) reject it; and

(b) give the nominee notice of the defect; and

(c) if practicable, give the nominee an opportunity to remedy the defect.

35.3 If practicable, the notice must be given before nominations close.

35.4 Failure to give the notice does not invalidate the election.

36. When a ballot must be held

If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the Election Procedure Rules.

37. Election without ballot

37.1 The Manager of the election must declare a Candidate elected to an office if:

(a) nominations have closed; and

(b) the Candidate does not hold another office; and

(c) the Candidate has:

(i) not nominated for a higher office; or

(ii) nominated for a higher office and is not elected to the higher office; and

(d) if the election is for President or Secretary—the Candidate is the only Candidate; or

(e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.

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PART 4—CONDUCTING BALLOTS

Division 1—General

38. **ROLL—PREPARATION**

38.1 A roll for a ballot must be prepared at the direction of the Manager of the election.

38.2 The Manager must ensure the roll:

(a) states:

(i) the name of each person who is an eligible member of the Union in alphabetical order; and

(ii) each eligible member's address, opposite their name; and

(iii) the Industry Sub-group to which they are allocated pursuant to these Rules; and

(b) is completed when nominations for the election close.

38.3 The Union must give the Manager:

(a) a copy of its members register; and

(b) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

39. **ROLL—INSPECTION**

39.1 The Manager of the election must make the roll for the election available for inspection:

(a) in the period that:

(i) starts on the day after the roll must be completed under Rule 38; and

(ii) ends 30 days after the result of the election is declared; and

(b) at the Manager's office when it is open for business.

39.2 A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.

39.3. If, during the period stated in Rule 39.1, a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

40. **WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE**

40.1 Despite Rule 38.2, if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

40.2 If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

40.3 An eligible member is only able to vote in such ballots as is permitted pursuant to these Rules.

Division 2—Voting material

41. **BALLOT PAPERS**

41.1 A ballot paper for the election must:

(a) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and

(b) be of paper that will hide a vote marked on it from view when it is folded once; and

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(c) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(d) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and

(e) state how the Voter may vote; and

(f) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and

(g) state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.

41.2 The order of names on the ballot paper must be decided by lot.

41.3 If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

Example—

The occupation of each Candidate may be added to the ballot paper.

42. **DISTRIBUTING VOTING MATERIAL**

42.1 The Manager of the election must post the following things (the "voting material") to each Voter:

(a) a ballot paper initialled by the Manager;

(b) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(c) a ballot envelope and a voting declaration;

(d) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

42.2 Voting material must be posted to each Voter:

(a) in a sealed envelope to the Voter's address on the roll; and

(b) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

42.3 The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.'

42.4 If a Voter gives the Manager a notice that the Voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

42.5 Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:

(a) the roll against the Voter's name; and

(b) the declaration form.

(c) The Manager must give each Voter a different ballot number.

(d) The ballot numbers must start with a number chosen by the Manager.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.

43. **MANAGER MUST KEEP A BALLOT BOX**

43.1 The Manager must get a ballot box and:

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(a) keep the box in a safe place; and

(b) seal the box in a way that:

(i) allows voting material to be put in it until the ballot finishes; and

(ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

44. **DUPLICATE VOTING MATERIAL**

44.1 This Rule applies if voting material posted to a Voter:

(a) has not been received by the Voter; or

(b) has been lost or destroyed; or

(c) if the document is a ballot paper—has been spoilt.

44.2 The Voter may apply to the Manager of the election for a duplicate ofthe document.

44.3 The application must:

(a) be received by the Manager on or before the finish day of the ballot; and

(b) state the grounds on which it is made; and

(c) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(d) state that the Voter has not voted at the ballot; and

(e) if the document is a spoilt ballot paper be accompanied by the ballot paper.

44.4 If the application complies with Sub-rule 44.3, the Manager must:

(a) if the document is a spoilt ballot paper:

(i) mark 'spoilt' on the paper; and

(ii) initial the paper beside that marking and keep the paper; and

(iii) give a fresh ballot paper to the Voter; or

(b) otherwise—give a duplicate of the document to the Voter.

Division 3—Voting

45. **HOW LONG BALLOT IS OPEN**

45.1 A ballot must remain open for:

(a) at least 21 days; and

(b) no longer than 49 days.

46. **HOW TO VOTE**

46.1 A Voter may vote only by completing the following steps:

(a) completing a ballot paper by:

(i) writing a number in order of preference in the square opposite the name of the Candidates the Voter may vote for under Rule 47; and

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(ii) complying with the instructions on the paper about how to vote;

(b) putting the ballot paper in a ballot envelope;

(c) sealing the ballot envelope;

(d) filling in and signing the voting declaration for the ballot paper;

(e) putting the voting declaration and the ballot envelope in the return envelope;

(f) sealing the return envelope;

(g) complying with any direction given under Rule 42.1(d);

(h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

47. **HOW MANY VOTES MAY BE CAST**

47.1 A Voter shall express a preference for each candidate for which the voter is entitled to vote.

Division 4—Counting and scrutiny of votes

48. **HOW MANAGER MUST DEAL WITH VOTING MATERIAL**

48.1 The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

48.2 If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(a) keep the envelope sealed; and

(b) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and

(c) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

49. **SCRUTINEERS—APPOINTMENT**

49.1 A Candidate may:

(a) act personally as a scrutineer; or

(b) appoint another person (an "appointee") as a scrutineer for the Candidate.

49.2 An appointment must be in writing and signed by the Candidate.

49.3 A Candidate must notify the Manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

49.4 The Manager may refuse to allow an appointee to act as a scrutineer if:

(a) the Manager asks to inspect the appointment as a scrutineer; and

(b) the appointee does not produce it.

50. **SCRUTINEERS' RIGHTS**

50.1 Subject to Rule 51, a scrutineer may be present when:

(a) ballot papers or other voting material for a ballot are prepared and given to Voters; and

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(b) voting material is received and put in safe custody under Rule 48; and

(c) votes are counted.

51. **SCRUTINEERS—NUMBERS ATTENDING**

51.1 Each Candidate may have only 1 scrutineer exercising a right under Rule 50 for each official present where the ballot is being conducted.

51.2 In Rule 51.1:

"official" means:

(a) if the ballot is being conducted by the electoral commission—an electoral officer; or

(b) if the ballot is not being conducted by the electoral commission:

(i) the Manager of the election; or

(ii) any other person appointed by the Manager to exercise the Manager's powers for the election.

52. **INITIAL SCRUTINY OF VOTING MATERIAL**

52.1 As soon as possible after the ballot finishes, the Manager of the ballot must:

(a) seal the ballot box in a way that prevents voting material from being put in it; and

(b) take the ballot box to the place where votes are to be counted.

52.2 The Manager must then:

(a) unseal the ballot box; and

(b) take out the return envelopes; and

(c) open each return envelope and take out the ballot envelope and the voting declaration; and

(d) examine the declaration and mark off the Voter's name on the roll; and

(e) check the ballot number on the declaration against the ballot number marked against the Voter's name on the roll; and

(f) ensure the declaration is signed.

52.3 After complying with Sub-rule 52.2, the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied:

(a) each declaration is signed; and

(b) the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the roll.

52.4 However, the Manager must not put a ballot envelope or declaration in the containers mentioned in Sub-rule 52.3 if:

(a) the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or

(b) the person named on the declaration is not the person to whom it was sent.

52.5 Sub-rule 52.4 does not apply if the Manager is satisfied the person who filled in and signed the declaration:

(a) is a Voter; and

(b) has not previously voted in the ballot; and

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(c) has a reasonable explanation for using someone else's ballot material.

52.6 The Manager must keep ballot envelopes and declarations excluded under Sub-rule (d) separate from other ballot envelopes and declarations.

52.7 A declaration is valid only if:

(a) it complies with Sub-rule 52.3(a) and (b); and

(b) Rule 52.4 does not apply.

52.8 A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.

52.9 If a declaration is accepted as valid by the Manager the Manager must:

(a) note the acceptance of validity on the declaration; and

(b) record the correct ballot number on the roll against the name of the Voter who signed the declaration.

52.10 After separating the ballot envelopes and declarations, the Manager must, in the following order:

(a) seal the container holding declarations;

(b) open the ballot envelopes not excluded under Sub-rule 52.4 and take out the ballot papers;

(c) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under Sub-rule 53.2(e)';

(d) put all of the ballot papers in the ballot box.

53. COUNTING VOTES

53.1 To count votes the Manager of the election must:

(a) admit the formal votes and reject the informal votes; and

(b) count the formal votes; and

(c) count the informal votes.

53.2 A vote is informal only if:

(a) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic; or

(b) the ballot paper is marked in a way that allows the Voter to be identified; or

(c) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or

(d) the ballot paper does not comply with a direction given under Rule 42.1(d); or

(e) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

54. SCRUTINEERS' OBJECTIONS

54.1 Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

54.2 When votes are counted, a scrutineer may:

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(a) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(b) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

54.3 If a scrutineer advises the Manager under Sub-rule 54.1 or 54.2(b), the Manager must:

(a) decide whether the error has been made; and

(b) if appropriate—direct action to correct or mitigate the error.

54.4 If a scrutineer objects under Sub-rule 54.2(a), the Manager must:

(a) decide whether the ballot paper is to be admitted or rejected; and

(b) note the decision on the ballot paper and initial the note.

55. Direction by Manager to leave count

55.1 The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(a) does not have the right to be present at the count; or

(b) interrupts the count, other than to exercise a scrutineer's right.

Division 5—Election result

56. **HOW RESULT IS DECIDED**

56.1 The method of deciding the result of a ballot is by a preferential system.

56.2 The manager shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate;

(i) the manager shall count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager shall:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate shall again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected;

(C) where there is a multiple office then the count shall continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons shall be declared elected.

(b) This rule is subject to rules 57 and 58.

57. **WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL**

57.1 If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

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57.2 A decision under Rule 57.1 must be made in the presence of any scrutineer who wishes to attend.

58. **WHAT HAPPENS IF MULTIPLE NOMINEE ELECTED**

58.1 If a Candidate is elected to an office, other than as a trustee, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.

59 **ELECTIONS FROM MANAGEMENT COMMITTEE**

59.1 The State Vice-President, 1 member of the Executive and the Trustees shall be elected by a Collegiate Electoral System.

59.2 The Electoral College shall in relation to the above offices be the State Management Committee.

59.3 The outgoing State Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of this Rule "the Manager"), and the Manager shall be subject to the provisions of the Election Procedure Rules.

59.4 The Manager shall call for nominations from among members of the Electoral College subject to these Rules, by written notice to each member.

59.5 Nominations shall be in writing, signed by the candidate and seconded in accordance with these Rules and shall be delivered to the Manager prior to the commencement of the first meeting of the State Management Committee next following the election of members of the Electoral College (for the purposes of this Rule "the Meeting").

59.6 If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

59.7 The Manager shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the meeting.

59.8 If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.

59.9 If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College by means of a preferential system of voting as defined in the election procedures, which election procedures shall apply to the count.

59.10 Any candidates may appoint a scrutineer, and the provision of the Election Procedure Rules in relation to scrutineers shall apply.

59.11 The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.

59.12 The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.

59.13 Any member who will not be present at the meeting at which the ballot is to be held may:

(a) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote; or
(b) appoint another member of the Electoral College to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.

59.14 The candidate or candidates securing the highest number of votes shall be declared elected.

59.15 The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.

59.16 The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.

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60. **CASUAL VACANCIES**

60.1 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.

60.2 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.

61 **EXEMPTION FROM ELECTION**

61.1 For the purposes of this rule:

a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.
b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relations Act 1996.*

61.2 The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

61.3 To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

61.4 Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

61.5 The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

61.6 Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-
a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;
b) the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;
c) in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers)	Qld State Assistant Secretary (Plasterers)
Qld Construction Workers Divisional Branch Assistant Secretary (Painters)	Qld State Assistant Secretary (Painters)
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b) (other than Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers) and Qld Construction Workers Divisional	Qld State Assistant Secretary

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Branch Assistant Secretary (Painters))	
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Vice- President	State Vice-President
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
Honorary President of the Qld, NT and WA District of the Number 1 Branch of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers
Member of the Divisional Branch Executive	Member of the State Executive

62. **RETURNING OFFICER AND SCRUTINEERS**

62.1 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 Union or a Sub-Branch, to conduct ballots, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time including the quadrennial ballot. The State Management Committee shall appoint only 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.

62.2 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.

62.3 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.

63. **DELEGATES' MEETING**

Whenever it is necessary to obtain the opinion of members in any district with 500 members and upwards, it may be done by special summoned meetings of the Sub-Branches in such district, delegates to such specially summonsed meetings 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 27.

64. **STATE DELEGATES CONVENTION:**

64.1 The State Management Committee shall convene at regular intervals of not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegates 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.

64.2 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.

64.3 A member nominating as a delegate to the State Delegates Convention must be financial in accordance with these Rules at the time nominations are called.

64.4 Items for the agenda of the State Delegates Convention shall be called for at least three months before the Convention assembles, and be in the hands of delegates to the Convention at least seven days before the Convention commences.

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64.5 The State Delegates Convention may recommend to the State Management Committee proposals for Rule and policy changes.

65. **ELECTION OF DELEGATES**

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

66. **SUB-BRANCHES**

66.1 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.

66.2 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 State Management Committee. Each Sub-Branch shall elect Officers and with the consent of the State Management Committee generally control its own business in accordance with the Rules of the Union.

66.3 In no case shall any Sub-Branch close or disband without the authority of the State Management Committee in which case all funds or other assets and property shall be handed over to the State Management Committee.

66.4 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.

66.5 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.

66.6 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 Rule 9 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.

66.7 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 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.

66.8 Interpretation of Rules

Should any Rules of the Union 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.

66.9 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.

66.10 Correspondence Confidential

All communications or copies of correspondence from the State Management Committee shall remain the property of the Union 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 State Management Committee.

66.11 Sub-Branches allowed

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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.

66.12 Sub-Branch Officers

Sub-Branches shall, in accordance with these Rules, 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.

66.13 Neglect of Duties

Any member neglecting the duties for which the member is elected shall, unless a satisfactory apology is furnished, be fined by their Sub-Branch or the State Management Committee any amount not exceeding ten dollars ($10).

66.14 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.

66.15 Audit

The books of each Sub-Branch shall be sent each half-year to the Union Office for audit in accordance with Rule 71 in a manner similar to audit of Union finances.

66.16 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.

66.17 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.

66.18 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.

66.19 Notice of Meetings

(a) The Sub-branch Committee shall meet at least 2 times per year and on such other times as its members may determine. The Sub-branch Secretary shall upon the request of the Sub-branch President, or any 2 members of the Sub-branch Committee summon a meeting of the Sub-branch Committee.

(b) The Sub-branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Sub-branch Committee.

(c) Notwithstanding anything hereinbefore contained, where the Sub-branch President or the Sub-branch Secretary consider that a matter requires urgent attention, a meeting of the Sub-branch Committee may be called by the Sub-branch President or the Sub-branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Sub-branch Committee are able to communicate with each other without being physically present.

(d) All other meetings of the Sub-branch shall be called by the Sub-branch Secretary giving 14 days written notice to the members of the Sub-branch at their addresses on the Register of Members.

66.20 Sub-Branch President

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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.

66.21 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 State Management Committee when requested to do so by the State Secretary under these 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 Union Rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

66.22 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 Union 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 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.

(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 State 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 Union 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 Union Secretary shall forthwith notify all Sub-Branch members thereof. The Sub-Branch Secretary shall supply all details to the Union 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 Union for conduct of the business of the Sub-Branch.

66.23 Suspended Members

Members who owe one year's arrears of contributions shall be suspended. The State 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.

66.24 Clearances and Transfers

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(a) The Sub-Branch Secretary shall accept all clearances (that are permitted) from other Unions or from 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 10.2 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 Union Office.

66.25 Pay Benefits

The Sub-Branch Secretary shall pay all benefits according to Rule 27 and may be made to refund all expenditure that is made contrary to the provisions of these Rules.

66.26 Resignation or Removal

(a) In the event of resigning the Office of Sub-Branch Secretary, 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 State 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 State 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 66.13.

66.27 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.

66.28 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.

66.29 Sub-Branch Finances

(a) The funds of each Sub-Branch shall be banked as provided in these 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 these Rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

66.30 Sub-Branch Committee

In every Sub-Branch there shall be a committee elected in accordance with Sub-rule 66.12 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 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 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.

66.31 Sick Stewards

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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.

66.32 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 or the Sub-Branch 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.

66.33 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.

66.34 Election of Sub-Branch Officers

The election for Sub-Branch Officers shall be held in March of the year following the State Management Committee elections and shall be conducted in the manner provided for in the Election Procedures Rules with all changes as may be necessary or appropriate.

66.35 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 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 Sub-rule 66.35 or a direction given under paragraph (b) of Sub-rule 66.35, 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 where the plebiscite is held following a request pursuant to paragraph (a) of Sub-rule 66.35 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 the Returning Officers 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 (h) 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

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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.

67. **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 to the Divisional Management Committee, 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.

68. **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 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 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.

69. **SHOP STEWARDS**

69.1 For the convenience of members, shop or job stewards may be appointed by Sub-Branches within the area under their control.

69.2 Should any shop or job steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties for the Union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss the Shop or Job Steward may incur.

70. **APPRENTICES**

70.1 An apprentice making application to join the Union shall pay dues for the remaining period of their indenture at the rate equivalent to the entrance fee for the Union per half-year. No additional entrance fee shall be payable by apprentices.

70.2 Thereafter, upon completion of apprenticeship the apprentice shall transfer to full membership and payment of full Union dues, levies, etc. as determined from time to time by the State Management Committee.

71. **AUDIT OF ACCOUNTS**

71.1 The Auditor who shall hold the qualification required for a competent person under the Act shall be appointed by the State Executive in accordance with the provisions of the Act and shall be paid such fees as the State Executive may from time to time determine.

71.2 The Auditor shall audit the books and financial statements of the State Executive at the end of each financial year and at such other times as the State Executive shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the State 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 Union funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.

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71.3 The Auditor shall furnish a written statement that all accounts and statements certified to are in accordance with law and these Rules, or, if unable to certify to the correctness of any of them, report forthwith to the State Executive in which respect they are incorrect.

71.4 The Auditor shall have power to place before the State Executive any suggestions concerning the financial affairs of the Union.

71.5 In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the State Executive shall appoint an Auditor qualified as aforesaid as a replacement.

71.6 The accounts of Sub-Branches shall be audited half-yearly in the manner provided in Sub-rule 66.15.

71.7 The financial year of the Union shall be the period ending 31st of December.

72. **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 Union Office for audit.

73. **DONATIONS/LOANS**

73.1 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of these Rules.

73.2 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 State Management Committee. It may be used for such payments assisting the Unions trade or any other trade.

73.3 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.

73.4 Requests for donations for purposes 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.

73.5 No member who has been less than 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 disentitled.

73.6 Notwithstanding anything contained elsewhere in these Rules a loan, grant or donation of any amount exceeding $1,000.00 shall not be made by the Union, unless the State Executive has satisfied itself:-

(a) that the making of the loan, grant or donation would be in accordance with the other 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.

74. **INTERPRETATION OF RULES**

The State Management Committee shall interpret all Rules of the Union requiring interpretation.

75. **AFFILIATION**

The State 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 Union voting. Such affiliation shall not interfere with the personal rights of the member's political code.

76. **DISPUTES WITH MANAGEMENT**

In the event of a dispute arising, no official of the Union shall interview the management with whom the Union is in dispute unless accompanied by at least one member actively concerned in the dispute.

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77. **ALTERATION OF RULES**

77.1 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 7 days notice to alter Union Rules has been given by the State Executive to the State Management Committee.

77.2 Provided that the State Management Committee may alter Union Rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.

77.3 Provided further that alterations to Union 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.

78. **DISSOLUTION**

Whenever the number of members in this Union is reduced to 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.

79. **BALLOTS/PLEBISCITES - CONTROL BY MEMBERS**

79.1 (a) The State Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Union direct the conduct of a plebiscite of the financial members of the Union on a matter concerning the Union.

(b) The State Management Committee or State Executive may direct the conduct of the plebiscite of the financial members of the Union on a matter concerning the Union.

(c) A plebiscite shall be conducted by secret ballot by a Returning Officer in accordance with Sub-rule 79.2 and shall be completed, in the case of a plebiscite under paragraph (a) within 2 months of the receipt by the State 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 State Management Committee or State 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 Union voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the State Management Committee or State Executive shall, so far as is practicable, implement the decision of the plebiscite.

79.2 (a) Where a request is received under paragraph (a) of Sub-rule 79.1 or a direction given under paragraph (b) of Sub-rule 79.1, the State 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 State Management Committee or the State Executive and (where the plebiscite is held following a request pursuant to paragraph (a) of Sub-rule 79.1), 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 Union, 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.

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(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 State 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.

79.3 Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

80. **COMMON SEAL AND MODE OF EXECUTION OF DOCUMENTS**

80.1 The Union shall have a common seal which shall be kept in the custody of the State Secretary and shall be affixed to documents requiring sealing only when authorised by resolution of the State Management Committee.

80.2 Any document to which the seal is affixed shall be signed by 2 members of the State Management Committee one of whom shall be the State President.

80.3 Industrial agreements and other documents may be executed by or on behalf of the Union by affixing the seal of the Union thereto.

80.4 Documents not required to be under seal of the Union may be executed on behalf of the Union by the State Secretary and any such document so executed shall be and be deemed to be executed on behalf of the Union and with its authority.

81. **STANDING ORDERS AND RULES OF DEBATE**

81.1 Call to Speak - the first speaker who attracts the attention of the President shall have precedence in speaking.

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

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

81.4 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.

81.5 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.

81.6 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.

81.7 Speak only once - except in explanation, no member, other than the mover, shall speak more than once on the same motion.

81.8 Time Limit - no member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

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

81.10 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.

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81.11 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.

81.12 Limit to Debate - should any question have occupied the attention of the meeting for 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.

81.13 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.

81.14 Motion to Adjourn - no motion for the adjournment of the meeting shall be received while there is business before the President.

81.15 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.".

81.16 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".

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

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

81.19 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.

82 Transition

82.1 For the purposes of this Rule, the following words have the meaning assigned:

(a) “Amendment Day” shall mean the day on which the Registrar registers the amendment to Rules proposed by the State Management Committee at its meeting on 17 November 2008.

(b) “Old Rules” means the rules as they are on the day immediately preceding amendment day; and

(c) “New Rules” means the rules as they are on and from the amendment day.

82.2 For the purposes of this Rule and “application for exemption” means an application made by the Union, in accordance with these Rules, for exemption from election.

82.3 The offices of the Union on the day prior to amendment day shall be the offices of the Union up to and including midnight on 1 January 2009.

82.4 The offices of the State Management Committee on the day prior to amendment day shall be the offices of the State Management Committee up to and including midnight on 1 January 2009.

82.5 The offices of the State Executive on the day prior to amendment day shall be the offices of the State Executive up to and including midnight on 1 January 2009.

82.6 Subject to an office being maintained by the New Rules, the officers of the Union who held office on the day prior to amendment day shall continue to hold those offices up to and including the day on which officers elected pursuant to these Rules take office following their election at elections to occur in 2008 provided that where an application for exemption is made then the officers holding office on the day prior to amendment day shall continue to hold office, subject to these Rules, up to and including the day on which officers take office as a result of the application for exemption.

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82.7 Despite the amendment of the rules on amendment day, the Old Rules shall continue to apply up to midnight on 1 January 2009, provided that this Rule shall apply immediately upon amendment day.

82.8 Despite the amendment of the rules on amendment day the New Rules shall not apply until 2 January 2009, provided that this Rule shall apply immediately upon amendment day.

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QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(section 467)

Matter No. RIO/2011/7

CERTIFICATE OF REGISTRATION OF REGISTRAR'S FORMAL AMENDMENT OF RULES

I hereby certify that pursuant to the Act, rule number 1.2 of the Rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, has been formally amended and registered on 4 February 2011.

Dated at Brisbane this fourth day of February 2011.



S.D. SAVILL
Industrial Registrar.

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

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"A"

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

1. **NAME AND OFFICE**

1.1 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".

1.2 The Office of the Union shall be at 16 Campbell Street, Bowen Hills, Queensland, 4006, to which all communications and notices shall be addressed.

1.3 This 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.

2. **ELIGIBILITY**

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.

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, condensors, 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.

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(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.

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.

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.

2.5 The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories,

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picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

2.6 Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

2.7 Without limiting the generality of the foregoing Sub-Rules of this Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, shall be eligible for membership of the Union, and the Union shall consist of an unlimited number of such persons.

3. OBJECTS

3.1 The objects of the Union shall be to:

a. to enrol in the Union persons eligible to be members;

b. to advance the interests of members and secure appropriate classification structures with appropriate rates of pay that adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

c. to ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system;

d. to ensure that rates of pay and other provisions in awards adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

e. to advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies;

f. to provide legal protection for members with respect to industrial and work injury related matters;

g. to assist members in the event of unemployment, sickness, injury, mortality or industrial dispute;

h. to establish Sub-Branches and Sections of the Union and organise members into Sub-Branches and Sections throughout Queensland;

i. to publish or contribute to the publication of a Union Journal, newspaper or other media;

j. to assist in the establishment and maintenance, or to contribute to the establishment and maintenance of, a labour journal, newspaper and/or other media;

k. to advance the living and working conditions of workers and their families, and to assist kindred unions and other bodies having objects similar in whole or in part to the objects of the Union;

l. to advance the living and working conditions of workers and independent contractors, whether individually or as a whole, in the construction industry;

m. to assist and advance the conditions of members who have retired;

n. to affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association, any political party or any other organisation having objects similar in whole or in part to the objects of the Union;

o. to hold, purchase, lease, mortgage, sell or otherwise deal in property;

p. to make financial provision for the carrying out of the objects;

q. 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, social or other legislation;

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r. to secure preference of employment for unionists generally and for Financial Members;

s. to establish and maintain, or to contribute to the establishment and maintenance of, an employment bureau for Financial Members;

t. to contribute to any charitable or public benevolent institution;

u. to constitute, conduct, carry on and manage clubs, holiday and rest centres for the benefit of Financial Members and their families;

v. to co-operate and maintain contact with members, other unions, labour bodies and socially responsible organisations in Australia and overseas;

w. to be involved in socially responsible actions as part of the wider community in Australia and overseas;

x. to bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises;

y. to organise the education of members;

z. to promote the policy of equality of status and opportunity for all members;

aa. to promote the employment of women in industries and enterprises falling within the eligibility of the Union;

bb. to increase the number of female members;

cc. to encourage the participation by women in union activities and decision making bodies;

dd. to adopt, promote and implement family friendly policies for members, Union employees and officials;

ee. to increase the number of women employed by the Union;

ff. to ensure there is equal employment and career path opportunity for women employed by the Union;

gg. to establish a fund from which to provide retiring allowances to full time Officers and employees of the Union or its Divisional Branches.

hh. to establish and administer trust funds ("the Trust Funds") for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

ii. to contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

jj. to transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any

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charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

kk. to pursue such other objects as the State Delegates Convention or the State Management Committee may from time to time determine;

ll. to enter into contracts and agreements for the purpose of carrying out the objects of the Union;

mm. to do all such things as may be necessary or incidental to the carrying out of the objects of the Union;

nn. none of the objects expressed in Sub-Rules (a) to (mm) are to be read in such a way as to limit any other of those objects.

3.2 The Union has, in the exercise of its affairs, all the powers of an individual.

3.3 Without limiting the power provided in Subrule 3.2 the Union may exercise the following powers:

a. enter into contracts;

b. acquire, hold, deal with and dispose of property;

c. make charges for services and facilities it supplies;

d. borrow or raise or secure the payment of money in a way determined, by resolution, at any general meeting;

e. secure the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way including the issue of debentures, perpetual or otherwise, charged upon any of the Union's property, both present and future;

f. purchase, redeem or pay off any securities of the Union;

g. borrow amounts from members and pay interest on the amounts borrowed, provided that the rate of interest shall not be more than the rate for the time being charged on overdrawn accounts on money lent (whatever the sum) by:

(i) the financial institution for the Union; or

(ii) if there is more than 1 financial institution for the Union – the financial institution decided by the management committee;

h. mortgage or charge the Union's property or any part of the property;

i. issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Union;

j. provide and pay off any such securities;

k. invest in a way determined, by resolution, at any general meeting;

l. appoint, employ, remove or suspend any servant, agent or volunteer of the Union;

m. enter into and obtain from any Local, State or Federal Government or Local, State or Federal Authority any rights, privileges and/or concessions;

n. construct, improve, maintain, develop or alter any houses, buildings or grounds of the Union;

o. take any gift of property bequeathed to the Union whether subject to any special trust and to utilize and/or dispose of it;

p. encourage by personal or written appeals, public meetings or any other method the procuring of contributions to the funds of the Union, in the form of donations, annual subscriptions, gifts or otherwise;

q. print newspapers, periodicals, books or leaflets;

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r. make donations for charitable or community purposes;

s. do any other thing necessary or convenient to be done in carrying out its affairs;

t. do all things which are necessary or desirable for the attainment of any of the Unions objects.

3.4 No power provided for in Sub-rule 3.3 of this rule limits the operation of any other power provided for in Sub-rule 3.3 of this rule or a power that may be otherwise provided for in the rules of the Union.

3.5 Without limiting the powers expressed in Sub-Rules 3.1, 3.2 and 3.3, the Union shall achieve its objects by the application of all lawful means available to it including, without limitation, industrial, political and legal means.

3.6 Without limiting the powers expressed in Sub-Rules 3.1, 3.2, 3.3 and 3.5 the Union shall provide such funds and resources as necessary for furthering its objects and any expenditure out of the funds of the Union in furtherance of the achievement of any of the objects of the Union shall be deemed to be part of the ordinary expenses of the Union.

4. APPLICATION FOR MEMBERSHIP

4.1 Application for membership of the Union shall be in writing signed by the applicant on the form determined by the State Management Committee.

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

4.3 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.

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 State Secretary, the Sub-Branch Secretary or authorised person, the required Entrance Fee, and six months contributions.

4.5 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.

4.6 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.

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 Union Rules free of charge on request.

4.9 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 Union.

5. ENTRANCE FEE

5.1 An applicant who has no arrears of contributions, levies, fines or fees standing against them from a previous period of membership shall pay an entrance fee as the State Management Committee may decide, but not more than 3 months dues contributions.

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5.2 An applicant who has arrears of contributions, levies, fines or fees standing against them from a previous period of membership shall pay an entrance fee being such sum as shall be determined by the State Management Committee provided that it is not more than the equivalent of 1 years contributions.

6. CONTRIBUTIONS

6.1 The payment of membership contributions shall be half-yearly and shall not exceed one and one half percentum (1 ½%) of the National Building Construction Industry Award rate for a carpenter multiplied by twenty-six (26).

6.2 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.

6.3 The sum of 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 such publications to financial members of the Union.

6.4 Sub-Branch committees may grant exemption from contributions to members who have been unemployed for more than 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.

6.5 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, in advance, of $5 or such amount as may be determined by the State Management Committee, 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 their Sub-Branch Secretary.

6.6 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 the applicant joined. Such credit shall be calculated on a monthly basis.

7. FINANCIAL MEMBERSHIP

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

7.2 Notwithstanding the foregoing, any member, having made application to join and paid the entrance fee, having commenced on a pay roll deduction scheme in excess of 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.

8. RESIGNATION OF MEMBERS

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

8.2 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 to the Office of the Union.

8.3 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 in accordance with these Rules.

8.4 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, subject to the Act, be sued for and recovered in the name of the Union.

9. TRANSFER OF MEMBERS

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The State Management Committee shall have the power, at the request of a member, to order the transfer of any member from a Sub-Branch to any other Sub-Branch, 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.

10. **DUTIES OF MEMBERS**

10.1 No member shall call on or write to any Sub-Branch Secretary at the works where the Sub-Branch Secretary is employed.

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

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

10.4 A member, being aware of the death of any other member, shall notify the State Secretary.

11. **MISCONDUCT OF MEMBERS**

11.1 Subject to Rule 26, 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 the member from membership or suspend the member from benefit for a period of not more than six months for such an offence.

11.2 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.

11.3 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.

11.4 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 the 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 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.

11.5 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 State 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 these Rules for the conduct of the business of the Union or Sub-Branch.

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

11.7 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.

11.8 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.

11.9 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 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.

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

12.1 Any member finding themself aggrieved against the actions or decisions of the Officers or members of the Union may, in the case of any grievance, appeal to their Sub-Branch for redress, and, if still aggrieved, they may further appeal to the

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State Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

12.2 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.

12.3 The State Management Committee shall not consider any appeal for assistance pursuant to Rule 41 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

13. CONTROL AND SUSPENSION OF MEMBERS

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

13.2 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.

13.3 A fine imposed under this Rule shall not exceed $10, nor shall any suspension from benefit exceed a period of three years.

14. REGISTER OF MEMBERS & OFFICERS

14.1 A register of members and all Officers of the Union shall be kept in the Union Office.

14.2 The register shall be arranged according to sub-branches

14.3 A financial member of the Union may at all reasonable times inspect the books, membership records, documents and other property of the Union.

15. RECOVERY OF ARREARS:

15.1 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 State Secretary shall take the necessary steps for the recovery of such arrears.

15.2 The State Secretary 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.

15.3 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and a half years shall be waived by the Union.

16. PROPERTY & FUNDS OF THE UNION

16.1 For the purpose of carrying out all or any of the objects of the Union, there shall be a fund of the Union and the Union 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 Union Fund for its use and benefit pursuant to the Rules of the Union.

16.2 Without limiting the generality of Union Sub-rule 16.1 the Union Fund shall consist of:-

(a) any real or personal property of which the Union 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 Union;

(c) any interest, rents, dividends or other income derived from the investment of the state fund;

(d) any superannuation or long service leave fund operated or controlled by the Union for the benefit of its Officers or employees;

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(e) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the Union 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.

17. **BANKING AND EXPENDITURE OF FUNDS**

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

17.2 The name of any such banking account shall include the words "Construction, Forestry, Mining & Energy Union of Employees, Queensland".

17.3 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.

17A **OFFICERS**

(a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters), a State Vice-President and State Executive Members, together with such Organisers as the State Executive may from time to time determine.

(b) For the purpose of interpreting these Rules
"State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.

18. **STATE MANAGEMENT COMMITTEE**

18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) all the State Assistant Secretaries;
(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:

(i) 10 from those eligible for membership by virtue of Rule 2.1;

(ii) 2 from those eligible for membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 (a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 18.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules.

(b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.

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(c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.

18.3 The State Management Committee shall, at its first meeting held following a quadrennial election, elect from its members a State Vice-President who shall not, apart from holding the office of State Management Committee member, hold any other office in the Union.

18.4 (a) A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.

(b) A full time official of the Union shall not be eligible to stand for the position of State Vice-President and the office of State Vice-President shall be honorary.

18.5 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.

(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.

(c) Despite Rule 17A and Parts (a) and (b) of this Sub-rule, the State Management Committee may determine that:

i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;

ii. where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished or whether it is to be filled on an honorary or full-time basis.

18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.

18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-President, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

18A MEETINGS OF THE STATE MANAGEMENT COMMITTEE

18A.1 The State Management Committee shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Management Committee, summon a meeting of the State Management Committee to be held within 7 days of the receipt of the request by the State Secretary.

18A.2 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Management Committee.

18A.3 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Management Committee may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Management Committee are able to communicate with each other without being physically present; or

(b) a ballot of the State Management Committee members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

18A.4 If the State President is absent from a meeting of the State Management Committee the Vice-President shall act and shall have the powers of the President while so acting.

18A.5 If at any meeting of the State Management Committee no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14

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days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

18A.6 The minutes of each State Management Committee meeting shall be prepared by the State Secretary and forwarded to each member of the State Management Committee and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Management Committee meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

18A.7 A member of the State Management Committee absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

19. STATE MANAGEMENT COMMITTEE FINANCE

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

19.2 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 the Union Rules and the State Management Committee shall annually in the month of December, or such other time as the Union Committee may decide, reimburse this Sub-Branch account as required by the Sub-Branch to restore the account to the original sum.

19.3 The State 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 State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in the absence of the State Secretary the Acting State Secretary). No donation exceeding $200 shall be made without the approval of the State Executive.

19.4 The financial year of the Union shall be the 12 month period ending the 31st of December or such other period as the State Management Committee decide.

20. STATE EXECUTIVE

20.1 There shall be a State Executive which shall comprise of the following:

(a) the State President;
(b) the State Vice-President;
(c) the State Secretary;
(d) all the State Assistant Secretaries; and
(e) a member, elected, by, and from, the members of the State Management Committee, who are not full time officials and who do not apart from holding the office of State Management Committee member hold any other office in the Union, at its first meeting held following a quadrennial election.

20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification.

20.3 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.

20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.5 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

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20.6 If the State President is absent from a meeting of the State Executive the Vice-President shall act and shall have the powers of the President while so acting.

20.7 (a) If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

(b) One half plus one of the number of the members of the State Executive holding office shall constitute a quorum

20.8 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

20.9 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

21. DUTIES OF THE STATE PRESIDENT/STATE VICE-PRESIDENT

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

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

21.3 The State President shall conduct the business in accordance with the standing orders and Rules of debate provided for in these Rules.

21.4 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.

21.5 In the absence of the State President at any meeting, or if the State President is present but refuses to act, the State Vice-President shall act, and shall whilst so acting, act with all the powers of the State President.

22. DUTIES OF STATE SECRETARY

22.1 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.

22.2 The State Secretary shall be the Chief Executive Officer of the Union and shall conduct and manage the affairs of the Union, subject to these Rules, between meetings of the State Executive.

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

22.4 The State Secretary shall be the registered State 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 State Management Committee has jurisdiction unless these Rules otherwise provide.

22.5 The State Secretary shall keep a correct record of the members in the Union 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.

22.6 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 Act and amendments thereof.

22.7 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 22.10.

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22.8 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.

22.9 The State Secretary shall attend to court, legal, industrial matters and/or other matters or other hearings before any Industrial Commission, Tribunal, Board and/or Court or any other such body.

22.10 The State Secretary shall keep all books and documents necessary to a proper working of the Office and of the State 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 State Management Committee the State Management Committee shall publish same to the members and then lodge it with the Registrar.

22.11 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 of the existence or likelihood of industrial disputes.

22.12 Should the State Secretary fail to carry out the State Secretary's duties to the satisfaction of the State Management Committee the State Secretary may be dealt with by such committee in the manner prescribed in Rule 26.

22.13 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 26. 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 the State Secretary's successor in Office they shall be audited.

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

23. DUTIES OF ASSISTANT SECRETARIES

23.1 The State Assistant Secretaries shall work under the direction of the State Management Committee and the State Secretary.

23.2 The State Assistant Secretaries shall assist the State Secretary in carrying out the duties set out in Rule 22.

23.3 In the absence of the State Secretary one of the Assistant State Secretaries shall be appointed by the State Management Committee as the Acting State Secretary.

23.4 Any Acting State Secretary shall be subject to Rules 22.13 and 26.

23.5 A fulltime/part-time State Assistant Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no fulltime/part-time State Assistant Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.

24. TRUSTEES

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary by one of the State Assistant Secretaries.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

25. ORGANISERS

25.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of organisers to be elected. They shall also determine the area of the State in which organisers shall reside and operate, and may if income is sufficient appoint additional organisers.

25.2 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 Union as directed by the State Management Committee.

25.3 Union 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 State Management Committee.

25.4 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.

26. REMOVAL OF OFFICERS

26.1 Any Officer of the Union being charged, in accordance with the Rules of the Union with 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.

26.2 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.

26.3 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.

26.4 Should the Officer be found guilty and there be no appeal within the prescribed time, and/or the Officer's appeal be rejected, the 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 28.

27. SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments and/or honorariums as the case may be 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.

28. NOMINATION OF STATE PRESIDENT, STATE VICE PRESIDENT, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.2 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry of the Union 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.

28.2 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 Assistant State Secretaries State President State Vice-President	Three years financial membership
State Management Committee	One years

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Members	financial
District Secretary/Organiser	membership
State Organisers	

28.3 The term of Office for the above positions shall be four years.

28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.

28.5 (a) The term of office for the officers of the Union (excluding the State Vice-President and the State Executive Member) and the members of the State Management Committee shall commence on and from the 2 January in the year following the election for such offices held in accordance with these rules and they shall hold those offices, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

(b) The State President, State Secretary and the State Assistant Secretaries shall take office on the State Executive on, and from, the day they take office pursuant to sub-rule (a) and they shall hold that office, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

(c) The State Vice-President and State Executive Member shall commence to hold office from the declaration of results at the 1st meeting of the State Management Committee following the taking of office by the members of the State Management Committee pursuant to sub-rule (a) and they shall hold those offices, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

29. **ELECTION PROCEDURE DEFINITIONS**

Definitions:

"ballot box" means a ballot box kept under Rule 43.

"Candidate", for an election, means a person:

(a) who has nominated as a Candidate for the office the election is about; and

(b) whose nomination has been accepted under Rule 34.3; and

(c) whose nomination has not been withdrawn.

"Election Procedures Rules" means Rules 29 – 58 of these Rules.

"eligible member" means a person who was a financial member of the Union 30 days before the starting time for nominations.

"higher office" means:

(a) for the office of State Management Committee member—any office other than the office of trustee; or

(b) for the office of State Assistant Secretary—the office of State Secretary, State Vice-President or State President; or

(c) for the office of State Secretary—the office of State Vice-President or State President; or

(d) for the office of State Vice-President—the office of State President.

"industry sub-group" mean the industry sub-groups respectively provided by Sub-rules 2.1, 2.2, and 2.5 of these Rules.

"initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

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"Manager of an Election" means:

(a) the electoral officer conducting the election or ballot; or

(b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.

"member" means a member of the Union.

"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.

"return envelope" see Rule 42.1 (c).

"roll", for an election, means the roll of Voters prepared for the election under Rule 38.

"scrutineer" means:

(a) a Candidate who acts personally as a scrutineer; or

(b) a person appointed as a scrutineer for a Candidate under Rule 49.

"State Secretary" means:

(a) the person holding office as the Union's State Secretary; or

(b) another officer of the Union, however described, who has the functions of the Union's State Secretary.

"trustee" means the office of a person holding, whether as trustee or otherwise, property:

(a) of the Union; or

(b) that the Union has a beneficial interest in.

"Voter" means a person:

(a) who is an eligible member; and

(b) whose name is on the roll under Rule 38.

"voting material" see Rule 42.1.

PART 2—MANAGER OF ELECTION

30. **MANAGER OF ELECTION—FUNCTIONS AND POWERS**

30.1 The Manager of an election:

(a) must not influence, or attempt to influence, the outcome of the election; and

(b) must conduct the election under these Election Procedure Rules except where the Rules expressly provide otherwise; and

(c) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(d) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

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30.2 The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(a) to ensure no irregularities happen in the election; or

(b) to remedy a procedural defect that appears to the Manager to exist about the election.

30.3 To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.

PART 3—PRE-ELECTION PROCEDURES

31. **CLOSING DAY AND TIME FOR NOMINATIONS**

31.1 The Manager of the election must fix the opening day and closing day for nominations for office.

31.2 The closing day must be at least 28 days after notice is given under Rule 33.

31.3 Nominations open at midday on the opening day and close at midday on the closing day.

32. Starting and finishing days of ballot

32.1 If a ballot becomes necessary under Rule 36, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

32.2 The start day must not be before the closing day for nominations for the offices to be filled at the election.

33. Calling for nominations

33.1 The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(a) by post to each member at the address recorded in the members register;

(b) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter; or

(c) in a daily newspaper circulating in the area where the Union's members live or work.

33.2 The notice must state:

(a) the opening day for nominations; and

(b) the closing day for nominations; and

(c) that nominations for office:

(i) open at midday on the opening day; and

(ii) close at midday on the closing day; and

(d) who may nominate as a Candidate in the election; and

(e) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(f) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 36; and

(g) that only a person who was a financial member 30 days before the opening time for nominations may Vote in the election; and

(h) that the ballot will be decided by a preferential system of voting.

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34. **NOMINATION PROCEDURE**

34.1 A nomination for office must be written, signed by the nominee, otherwise comply with these Rules and be given to the Manager of the election before nominations close.

34.2 A person may nominate for more than 1 office.

34.3 The Manager must accept a nomination if:

(a) it complies with Sub-rule 34.1; and

(b) the nominee is an eligible member and is otherwise entitled pursuant to these Rules to nominate; and

(c) the nominators are entitled pursuant to these Rules to nominate the nominee; and

(d) these Rules, in so far as they expressly provide in relation to the nomination process, are complied with.

34.4 A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

35. What happens if a nomination is defective

35.1 The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

35.2 If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:

(a) reject it; and

(b) give the nominee notice of the defect; and

(c) if practicable, give the nominee an opportunity to remedy the defect.

35.3 If practicable, the notice must be given before nominations close.

35.4 Failure to give the notice does not invalidate the election.

36. When a ballot must be held

If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the Election Procedure Rules.

37. Election without ballot

37.1 The Manager of the election must declare a Candidate elected to an office if:

(a) nominations have closed; and

(b) the Candidate does not hold another office; and

(c) the Candidate has:

(i) not nominated for a higher office; or

(ii) nominated for a higher office and is not elected to the higher office; and

(d) if the election is for President or Secretary—the Candidate is the only Candidate; or

(e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.

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PART 4—CONDUCTING BALLOTS

Division 1—General

38. **ROLL—PREPARATION**

38.1 A roll for a ballot must be prepared at the direction of the Manager of the election.

38.2 The Manager must ensure the roll:

(a) states:

(i) the name of each person who is an eligible member of the Union in alphabetical order; and

(ii) each eligible member's address, opposite their name; and

(iii) the Industry Sub-group to which they are allocated pursuant to these Rules; and

(b) is completed when nominations for the election close.

38.3 The Union must give the Manager:

(a) a copy of its members register; and

(b) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

39. **ROLL—INSPECTION**

39.1 The Manager of the election must make the roll for the election available for inspection:

(a) in the period that:

(i) starts on the day after the roll must be completed under Rule 38; and

(ii) ends 30 days after the result of the election is declared; and

(b) at the Manager's office when it is open for business.

39.2 A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.

39.3. If, during the period stated in Rule 39.1, a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

40. **WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE**

40.1 Despite Rule 38.2, if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

40.2 If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

40.3 An eligible member is only able to vote in such ballots as is permitted pursuant to these Rules.

Division 2—Voting material

41. **BALLOT PAPERS**

41.1 A ballot paper for the election must:

(a) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and

(b) be of paper that will hide a vote marked on it from view when it is folded once; and

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(c) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(d) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and

(e) state how the Voter may vote; and

(f) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and

(g) state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.

41.2 The order of names on the ballot paper must be decided by lot.

41.3 If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

Example—

The occupation of each Candidate may be added to the ballot paper.

42. **DISTRIBUTING VOTING MATERIAL**

42.1 The Manager of the election must post the following things (the "voting material") to each Voter:

(a) a ballot paper initialled by the Manager;

(b) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(c) a ballot envelope and a voting declaration;

(d) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

42.2 Voting material must be posted to each Voter:

(a) in a sealed envelope to the Voter's address on the roll; and

(b) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

42.3 The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.'

42.4 If a Voter gives the Manager a notice that the Voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

42.5 Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:

(a) the roll against the Voter's name; and

(b) the declaration form.

(c) The Manager must give each Voter a different ballot number.

(d) The ballot numbers must start with a number chosen by the Manager.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.

43. **MANAGER MUST KEEP A BALLOT BOX**

43.1 The Manager must get a ballot box and:

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(a) keep the box in a safe place; and

(b) seal the box in a way that:

(i) allows voting material to be put in it until the ballot finishes; and

(ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

44. **DUPLICATE VOTING MATERIAL**

44.1 This Rule applies if voting material posted to a Voter:

(a) has not been received by the Voter; or

(b) has been lost or destroyed; or

(c) if the document is a ballot paper—has been spoilt.

44.2 The Voter may apply to the Manager of the election for a duplicate ofthe document.

44.3 The application must:

(a) be received by the Manager on or before the finish day of the ballot; and

(b) state the grounds on which it is made; and

(c) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(d) state that the Voter has not voted at the ballot; and

(e) if the document is a spoilt ballot paper be accompanied by the ballot paper.

44.4 If the application complies with Sub-rule 44.3, the Manager must:

(a) if the document is a spoilt ballot paper:

(i) mark 'spoilt' on the paper; and

(ii) initial the paper beside that marking and keep the paper; and

(iii) give a fresh ballot paper to the Voter; or

(b) otherwise—give a duplicate of the document to the Voter.

Division 3—Voting

45. **HOW LONG BALLOT IS OPEN**

45.1 A ballot must remain open for:

(a) at least 21 days; and

(b) no longer than 49 days.

46. **HOW TO VOTE**

46.1 A Voter may vote only by completing the following steps:

(a) completing a ballot paper by:

(i) writing a number in order of preference in the square opposite the name of the Candidates the Voter may vote for under Rule 47; and

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(ii) complying with the instructions on the paper about how to vote;

(b) putting the ballot paper in a ballot envelope;

(c) sealing the ballot envelope;

(d) filling in and signing the voting declaration for the ballot paper;

(e) putting the voting declaration and the ballot envelope in the return envelope;

(f) sealing the return envelope;

(g) complying with any direction given under Rule 42.1(d);

(h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

47. **HOW MANY VOTES MAY BE CAST**

47.1 A Voter shall express a preference for each candidate for which the voter is entitled to vote.

Division 4—Counting and scrutiny of votes

48. **HOW MANAGER MUST DEAL WITH VOTING MATERIAL**

48.1 The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

48.2 If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(a) keep the envelope sealed; and

(b) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and

(c) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

49. **SCRUTINEERS—APPOINTMENT**

49.1 A Candidate may:

(a) act personally as a scrutineer; or

(b) appoint another person (an "appointee") as a scrutineer for the Candidate.

49.2 An appointment must be in writing and signed by the Candidate.

49.3 A Candidate must notify the Manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

49.4 The Manager may refuse to allow an appointee to act as a scrutineer if:

(a) the Manager asks to inspect the appointment as a scrutineer; and

(b) the appointee does not produce it.

50. **SCRUTINEERS' RIGHTS**

50.1 Subject to Rule 51, a scrutineer may be present when:

(a) ballot papers or other voting material for a ballot are prepared and given to Voters; and

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(b) voting material is received and put in safe custody under Rule 48; and

(c) votes are counted.

51. **SCRUTINEERS—NUMBERS ATTENDING**

51.1 Each Candidate may have only 1 scrutineer exercising a right under Rule 50 for each official present where the ballot is being conducted.

51.2 In Rule 51.1:

"official" means:

(a) if the ballot is being conducted by the electoral commission—an electoral officer; or

(b) if the ballot is not being conducted by the electoral commission:

(i) the Manager of the election; or

(ii) any other person appointed by the Manager to exercise the Manager's powers for the election.

52. **INITIAL SCRUTINY OF VOTING MATERIAL**

52.1 As soon as possible after the ballot finishes, the Manager of the ballot must:

(a) seal the ballot box in a way that prevents voting material from being put in it; and

(b) take the ballot box to the place where votes are to be counted.

52.2 The Manager must then:

(a) unseal the ballot box; and

(b) take out the return envelopes; and

(c) open each return envelope and take out the ballot envelope and the voting declaration; and

(d) examine the declaration and mark off the Voter's name on the roll; and

(e) check the ballot number on the declaration against the ballot number marked against the Voter's name on the roll; and

(f) ensure the declaration is signed.

52.3 After complying with Sub-rule 52.2, the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied:

(a) each declaration is signed; and

(b) the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the roll.

52.4 However, the Manager must not put a ballot envelope or declaration in the containers mentioned in Sub-rule 52.3 if:

(a) the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or

(b) the person named on the declaration is not the person to whom it was sent.

52.5 Sub-rule 52.4 does not apply if the Manager is satisfied the person who filled in and signed the declaration:

(a) is a Voter; and

(b) has not previously voted in the ballot; and

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(c) has a reasonable explanation for using someone else's ballot material.

52.6 The Manager must keep ballot envelopes and declarations excluded under Sub-rule (d) separate from other ballot envelopes and declarations.

52.7 A declaration is valid only if:

(a) it complies with Sub-rule 52.3(a) and (b); and

(b) Rule 52.4 does not apply.

52.8 A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.

52.9 If a declaration is accepted as valid by the Manager the Manager must:

(a) note the acceptance of validity on the declaration; and

(b) record the correct ballot number on the roll against the name of the Voter who signed the declaration.

52.10 After separating the ballot envelopes and declarations, the Manager must, in the following order:

(a) seal the container holding declarations;

(b) open the ballot envelopes not excluded under Sub-rule 52.4 and take out the ballot papers;

(c) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under Sub-rule 53.2(e)';

(d) put all of the ballot papers in the ballot box.

53. COUNTING VOTES

53.1 To count votes the Manager of the election must:

(a) admit the formal votes and reject the informal votes; and

(b) count the formal votes; and

(c) count the informal votes.

53.2 A vote is informal only if:

(a) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic; or

(b) the ballot paper is marked in a way that allows the Voter to be identified; or

(c) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or

(d) the ballot paper does not comply with a direction given under Rule 42.1(d); or

(e) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

54. SCRUTINEERS' OBJECTIONS

54.1 Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

54.2 When votes are counted, a scrutineer may:

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(a) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(b) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

54.3 If a scrutineer advises the Manager under Sub-rule 54.1 or 54.2(b), the Manager must:

(a) decide whether the error has been made; and

(b) if appropriate—direct action to correct or mitigate the error.

54.4 If a scrutineer objects under Sub-rule 54.2(a), the Manager must:

(a) decide whether the ballot paper is to be admitted or rejected; and

(b) note the decision on the ballot paper and initial the note.

55. Direction by Manager to leave count

55.1 The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(a) does not have the right to be present at the count; or

(b) interrupts the count, other than to exercise a scrutineer's right.

Division 5—Election result

56. **HOW RESULT IS DECIDED**

56.1 The method of deciding the result of a ballot is by a preferential system.

56.2 The manager shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate;

(i) the manager shall count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager shall:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate shall again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected;

(C) where there is a multiple office then the count shall continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons shall be declared elected.

(b) This rule is subject to rules 57 and 58.

57. **WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL**

57.1 If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

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57.2 A decision under Rule 57.1 must be made in the presence of any scrutineer who wishes to attend.

58. **WHAT HAPPENS IF MULTIPLE NOMINEE ELECTED**

58.1 If a Candidate is elected to an office, other than as a trustee, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.

59 **ELECTIONS FROM MANAGEMENT COMMITTEE**

59.1 The State Vice-President, 1 member of the Executive and the Trustees shall be elected by a Collegiate Electoral System.

59.2 The Electoral College shall in relation to the above offices be the State Management Committee.

59.3 The outgoing State Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of this Rule "the Manager"), and the Manager shall be subject to the provisions of the Election Procedure Rules.

59.4 The Manager shall call for nominations from among members of the Electoral College subject to these Rules, by written notice to each member.

59.5 Nominations shall be in writing, signed by the candidate and seconded in accordance with these Rules and shall be delivered to the Manager prior to the commencement of the first meeting of the State Management Committee next following the election of members of the Electoral College (for the purposes of this Rule "the Meeting").

59.6 If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

59.7 The Manager shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the meeting.

59.8 If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.

59.9 If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College by means of a preferential system of voting as defined in the election procedures, which election procedures shall apply to the count.

59.10 Any candidates may appoint a scrutineer, and the provision of the Election Procedure Rules in relation to scrutineers shall apply.

59.11 The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.

59.12 The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.

59.13 Any member who will not be present at the meeting at which the ballot is to be held may:

(a) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote; or
(b) appoint another member of the Electoral College to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.

59.14 The candidate or candidates securing the highest number of votes shall be declared elected.

59.15 The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.

59.16 The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.

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60. **CASUAL VACANCIES**

60.1 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.

60.2 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.

61 **EXEMPTION FROM ELECTION**

61.1 For the purposes of this rule:

a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.
b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relations Act 1996.*

61.2 The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

61.3 To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

61.4 Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

61.5 The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

61.6 Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-
a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;
b) the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;
c) in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	Qld State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers)	Qld State Assistant Secretary (Plasterers)
Qld Construction Workers Divisional Branch Assistant Secretary (Painters)	Qld State Assistant Secretary (Painters)
Qld Construction Workers Divisional Branch Assistant Secretary (Rule 2 (A)(A)(3)(i) and (ii) & 2(A)(b) (other than Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers) and Qld Construction Workers Divisional	Qld State Assistant Secretary

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Branch Assistant Secretary (Painters))	
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Vice- President	State Vice-President
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(A)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(A)(b))	Qld State Management Committee Member (Sub Rule 2.2)
Honorary President of the Qld, NT and WA District of the Number 1 Branch of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers
Member of the Divisional Branch Executive	Member of the State Executive

62. **RETURNING OFFICER AND SCRUTINEERS**

62.1 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 Union or a Sub-Branch, to conduct ballots, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time including the quadrennial ballot. The State Management Committee shall appoint only 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.

62.2 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.

62.3 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.

63. **DELEGATES' MEETING**

Whenever it is necessary to obtain the opinion of members in any district with 500 members and upwards, it may be done by special summoned meetings of the Sub-Branches in such district, delegates to such specially summonsed meetings 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 27.

64. **STATE DELEGATES CONVENTION:**

64.1 The State Management Committee shall convene at regular intervals of not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegates 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.

64.2 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.

64.3 A member nominating as a delegate to the State Delegates Convention must be financial in accordance with these Rules at the time nominations are called.

64.4 Items for the agenda of the State Delegates Convention shall be called for at least three months before the Convention assembles, and be in the hands of delegates to the Convention at least seven days before the Convention commences.

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64.5 The State Delegates Convention may recommend to the State Management Committee proposals for Rule and policy changes.

65. **ELECTION OF DELEGATES**

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

66. **SUB-BRANCHES**

66.1 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.

66.2 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 State Management Committee. Each Sub-Branch shall elect Officers and with the consent of the State Management Committee generally control its own business in accordance with the Rules of the Union.

66.3 In no case shall any Sub-Branch close or disband without the authority of the State Management Committee in which case all funds or other assets and property shall be handed over to the State Management Committee.

66.4 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.

66.5 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.

66.6 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 Rule 9 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.

66.7 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 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.

66.8 Interpretation of Rules

Should any Rules of the Union 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.

66.9 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.

66.10 Correspondence Confidential

All communications or copies of correspondence from the State Management Committee shall remain the property of the Union 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 State Management Committee.

66.11 Sub-Branches allowed

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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.

66.12 Sub-Branch Officers

Sub-Branches shall, in accordance with these Rules, 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.

66.13 Neglect of Duties

Any member neglecting the duties for which the member is elected shall, unless a satisfactory apology is furnished, be fined by their Sub-Branch or the State Management Committee any amount not exceeding ten dollars ($10).

66.14 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.

66.15 Audit

The books of each Sub-Branch shall be sent each half-year to the Union Office for audit in accordance with Rule 71 in a manner similar to audit of Union finances.

66.16 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.

66.17 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.

66.18 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.

66.19 Notice of Meetings

(a) The Sub-branch Committee shall meet at least 2 times per year and on such other times as its members may determine. The Sub-branch Secretary shall upon the request of the Sub-branch President, or any 2 members of the Sub-branch Committee summon a meeting of the Sub-branch Committee.

(b) The Sub-branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Sub-branch Committee.

(c) Notwithstanding anything hereinbefore contained, where the Sub-branch President or the Sub-branch Secretary consider that a matter requires urgent attention, a meeting of the Sub-branch Committee may be called by the Sub-branch President or the Sub-branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Sub-branch Committee are able to communicate with each other without being physically present.

(d) All other meetings of the Sub-branch shall be called by the Sub-branch Secretary giving 14 days written notice to the members of the Sub-branch at their addresses on the Register of Members.

66.20 Sub-Branch President

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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.

66.21 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 State Management Committee when requested to do so by the State Secretary under these 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 Union Rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

66.22 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 Union 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 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.

(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 State 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 Union 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 Union Secretary shall forthwith notify all Sub-Branch members thereof. The Sub-Branch Secretary shall supply all details to the Union 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 Union for conduct of the business of the Sub-Branch.

66.23 Suspended Members

Members who owe one year's arrears of contributions shall be suspended. The State 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.

66.24 Clearances and Transfers

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(a) The Sub-Branch Secretary shall accept all clearances (that are permitted) from other Unions or from 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 10.2 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 Union Office.

66.25 Pay Benefits

The Sub-Branch Secretary shall pay all benefits according to Rule 27 and may be made to refund all expenditure that is made contrary to the provisions of these Rules.

66.26 Resignation or Removal

(a) In the event of resigning the Office of Sub-Branch Secretary, 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 State 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 State 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 66.13.

66.27 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.

66.28 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.

66.29 Sub-Branch Finances

(a) The funds of each Sub-Branch shall be banked as provided in these 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 these Rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

66.30 Sub-Branch Committee

In every Sub-Branch there shall be a committee elected in accordance with Sub-rule 66.12 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 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 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.

66.31 Sick Stewards

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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.

66.32 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 or the Sub-Branch 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.

66.33 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.

66.34 Election of Sub-Branch Officers

The election for Sub-Branch Officers shall be held in March of the year following the State Management Committee elections and shall be conducted in the manner provided for in the Election Procedures Rules with all changes as may be necessary or appropriate.

66.35 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 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 Sub-rule 66.35 or a direction given under paragraph (b) of Sub-rule 66.35, 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 where the plebiscite is held following a request pursuant to paragraph (a) of Sub-rule 66.35 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 the Returning Officers 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 (h) 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

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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.

67. **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 to the Divisional Management Committee, 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.

68. **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 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 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.

69. **SHOP STEWARDS**

69.1 For the convenience of members, shop or job stewards may be appointed by Sub-Branches within the area under their control.

69.2 Should any shop or job steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties for the Union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss the Shop or Job Steward may incur.

70. **APPRENTICES**

70.1 An apprentice making application to join the Union shall pay dues for the remaining period of their indenture at the rate equivalent to the entrance fee for the Union per half-year. No additional entrance fee shall be payable by apprentices.

70.2 Thereafter, upon completion of apprenticeship the apprentice shall transfer to full membership and payment of full Union dues, levies, etc. as determined from time to time by the State Management Committee.

71. **AUDIT OF ACCOUNTS**

71.1 The Auditor who shall hold the qualification required for a competent person under the Act shall be appointed by the State Executive in accordance with the provisions of the Act and shall be paid such fees as the State Executive may from time to time determine.

71.2 The Auditor shall audit the books and financial statements of the State Executive at the end of each financial year and at such other times as the State Executive shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the State 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 Union funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.

71.3 The Auditor shall furnish a written statement that all accounts and statements certified to are in accordance with law and these Rules, or, if unable to certify to the correctness of any of them, report forthwith to the State Executive in which respect they are incorrect.

71.4 The Auditor shall have power to place before the State Executive any suggestions concerning the financial affairs of the Union.

71.5 In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the State Executive shall appoint an Auditor qualified as aforesaid as a replacement.

71.6 The accounts of Sub-Branches shall be audited half-yearly in the manner provided in Sub-rule 66.15.

71.7 The financial year of the Union shall be the period ending 31st of December.

72. **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 Union Office for audit.

73. **DONATIONS/LOANS**

73.1 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of these Rules.

73.2 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 State Management Committee. It may be used for such payments assisting the Unions trade or any other trade.

73.3 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.

73.4 Requests for donations for purposes 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.

73.5 No member who has been less than 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 disentitled.

73.6 Notwithstanding anything contained elsewhere in these Rules a loan, grant or donation of any amount exceeding $1,000.00 shall not be made by the Union, unless the State Executive has satisfied itself:-

(a) that the making of the loan, grant or donation would be in accordance with the other 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.

74. **INTERPRETATION OF RULES**

The State Management Committee shall interpret all Rules of the Union requiring interpretation.

75. **AFFILIATION**

The State 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 Union voting. Such affiliation shall not interfere with the personal rights of the member's political code.

76. **DISPUTES WITH MANAGEMENT**

In the event of a dispute arising, no official of the Union shall interview the management with whom the Union is in dispute unless accompanied by at least one member actively concerned in the dispute.

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77. **ALTERATION OF RULES**

77.1 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 7 days notice to alter Union Rules has been given by the State Executive to the State Management Committee.

77.2 Provided that the State Management Committee may alter Union Rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.

77.3 Provided further that alterations to Union 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.

78. **DISSOLUTION**

Whenever the number of members in this Union is reduced to 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.

79. **BALLOTS/PLEBISCITES - CONTROL BY MEMBERS**

79.1 (a) The State Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Union direct the conduct of a plebiscite of the financial members of the Union on a matter concerning the Union.

(b) The State Management Committee or State Executive may direct the conduct of the plebiscite of the financial members of the Union on a matter concerning the Union.

(c) A plebiscite shall be conducted by secret ballot by a Returning Officer in accordance with Sub-rule 79.2 and shall be completed, in the case of a plebiscite under paragraph (a) within 2 months of the receipt by the State 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 State Management Committee or State 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 Union voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the State Management Committee or State Executive shall, so far as is practicable, implement the decision of the plebiscite.

79.2 (a) Where a request is received under paragraph (a) of Sub-rule 79.1 or a direction given under paragraph (b) of Sub-rule 79.1, the State 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 State Management Committee or the State Executive and (where the plebiscite is held following a request pursuant to paragraph (a) of Sub-rule 79.1), 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 Union, 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.

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(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 State 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.

79.3 Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

80. **COMMON SEAL AND MODE OF EXECUTION OF DOCUMENTS**

80.1 The Union shall have a common seal which shall be kept in the custody of the State Secretary and shall be affixed to documents requiring sealing only when authorised by resolution of the State Management Committee.

80.2 Any document to which the seal is affixed shall be signed by 2 members of the State Management Committee one of whom shall be the State President.

80.3 Industrial agreements and other documents may be executed by or on behalf of the Union by affixing the seal of the Union thereto.

80.4 Documents not required to be under seal of the Union may be executed on behalf of the Union by the State Secretary and any such document so executed shall be and be deemed to be executed on behalf of the Union and with its authority.

81. **STANDING ORDERS AND RULES OF DEBATE**

81.1 Call to Speak - the first speaker who attracts the attention of the President shall have precedence in speaking.

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

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

81.4 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.

81.5 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.

81.6 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.

81.7 Speak only once - except in explanation, no member, other than the mover, shall speak more than once on the same motion.

81.8 Time Limit - no member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

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

81.10 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.

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81.11 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.

81.12 Limit to Debate - should any question have occupied the attention of the meeting for 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.

81.13 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.

81.14 Motion to Adjourn - no motion for the adjournment of the meeting shall be received while there is business before the President.

81.15 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.".

81.16 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".

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

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

81.19 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.

82 Transition

82.1 For the purposes of this Rule, the following words have the meaning assigned:

(a) “Amendment Day” shall mean the day on which the Registrar registers the amendment to Rules proposed by the State Management Committee at its meeting on 17 November 2008.

(b) “Old Rules” means the rules as they are on the day immediately preceding amendment day; and

(c) “New Rules” means the rules as they are on and from the amendment day.

82.2 For the purposes of this Rule and “application for exemption” means an application made by the Union, in accordance with these Rules, for exemption from election.

82.3 The offices of the Union on the day prior to amendment day shall be the offices of the Union up to and including midnight on 1 January 2009.

82.4 The offices of the State Management Committee on the day prior to amendment day shall be the offices of the State Management Committee up to and including midnight on 1 January 2009.

82.5 The offices of the State Executive on the day prior to amendment day shall be the offices of the State Executive up to and including midnight on 1 January 2009.

82.6 Subject to an office being maintained by the New Rules, the officers of the Union who held office on the day prior to amendment day shall continue to hold those offices up to and including the day on which officers elected pursuant to these Rules take office following their election at elections to occur in 2008 provided that where an application for exemption is made then the officers holding office on the day prior to amendment day shall continue to hold office, subject to these Rules, up to and including the day on which officers take office as a result of the application for exemption.

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82.7 Despite the amendment of the rules on amendment day, the Old Rules shall continue to apply up to midnight on 1 January 2009, provided that this Rule shall apply immediately upon amendment day.

82.8 Despite the amendment of the rules on amendment day the New Rules shall not apply until 2 January 2009, provided that this Rule shall apply immediately upon amendment day.

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999, section 477

(Matter No. /2012) R 15 / 2012 / 151

APPLICATION FOR AMENDMENT OF THE RULES OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

TO: The Industrial Registrar, Industrial Registry, Level 13, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

TAKE NOTICE that we, Michael Ravbar, and Phil Blair being respectively the State Secretary and the State President of the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (the "CFMEUQ") APPLY to the Registrar for:

1. An approval for amendment to the rules of the CFMEUQ under section 478 of the *Industrial Relations Act 1999* (the "Act") and attach as Schedule 1 a statement of those matters required by the Act to be stated.

2. Attached to this application is a:

   a) copy of the resolution passed by the State Management Committee of the CFMEUQ relating to proposed amendments to rules (marked "MR1"); and

   b) Schedule divided into three columns including the proposed amendment (marked Schedule 2).

3. Further I apply for directions as to the conduct of this application in relation to the following matters:

   a) parties;
   b) publication;
   c) nature of hearing; and
   d) place of time and hearing.

INDUSTRIAL REGISTRAR
13 SEP 2012
QUEENSLAND

Michael Ravbar
State Secretary
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

Date: 7 September 2012

Phil Blair
State President
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

Date: 10 September 2012

Page 1

Michael Ravbar

Justice of the Peace/Commissioner for declarations/lawyer

TRAVIS O'BRIEN
SOLICITOR

COM.0001.0014.5511

SCHEDULE 1

I, Michael Rayner, State Secretary, solemnly and sincerely affirm and declare as follows –

1. The State Management Committee of the CFMEUQ seeks to amend the rules of the CFMEUQ.

2. The rules of the CFMEUQ have been complied with in making the application to amend the rules.

3. Rule 77 of the rules of the CFMEUQ provides for the amendment of the rules in the following terms:

> *"77 ALTERATION OF RULES*
>
> *77.1 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 7 days notice to alter Union Rules has been given to the State Executive to the State Management Committee.*
>
> *77.2 Provided that the State Management Committee may alter Union Rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.*
>
> *77.3 Provided further that decisions to Union Rules of an urgent nature may be made by a postal ballot, facsimile ballot or telephone ballot of the State Management committee members to determine for or against the adoption of the alterations."*

4. In accordance with sub-rule 77.3, due to the urgency of the rule change required, State Management committee members were asked to participate in a ballot to determine for or against the adoption of the alterations.

5. The State Management Committee resolved to amend the rules of the CFMEUQ. Exhibited hereto and marked "MR1" is a copy of the resolution of the State Management Committee to amend the rules of the CFMEUQ.

6. The resolution was passed by a majority required by rule 77 of the CFMEUQ rules.

7. Exhibited hereto and marked Schedule 2 is a schedule divided into three columns, in relation to the rules the application seeks to amend, containing:

   a) the present registered rule column 1;
   b) an exact description of the amendment sought column 2; and
   c) the proposed new rules incorporating the amendment column 3.

8. The proposed amendments do not contravene the Act, another law or an industrial instrument.

9. The purpose of the amendments is to clarify and make certain the rules of the CFMEUQ and provide for consistency with its Counterpart Federal Body.

10. Pursuant to rule 80 of the CFMEUQ rules I am fully authorised to make this application.

INDUSTRIAL REGISTRAR
13 SEP 2012
QUEENSLAND

Michael Rayner

Justice of the Peace/Commissioner for declarations/lawyer

TRAVIS O'BRIEN
SOLICITOR

11. All the facts and circumstances deposed to in this my affidavit is within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

.....
Michael Ravbar
Secretary
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

AFFIRMED by the deponent at Brisbane on 7th September 2012
Before me

TRAVIS O'BRIEN
SOLICITOR

.....
Full name:
Justice of the peace/commissioner for declarations/lawyer

INDUSTRIAL REGISTRAR
13 SEP 2012
QUEENSLAND

PARTICULAR OF THE APPLICANT

Name:
Michael Ravbar

Title of office:
State Secretary

Organisation:
Construction, Forestry, Mining & Energy Union of Employees, Queensland

Residential or business address:
16 Campbell Street
BOWEN HILLS QLD 4006

Applicant's address for service:
Hall Payne Lawyers
Ground Level, 27 Peel Street
SOUTH BRISBANE QLD 4101

Applicant's phone number or contact phone number:
(07) 3231-4600

Applicant's fax number:
(07) 3231-4699

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name:
Laura Fraser Hardy

And firm name:
Hall Payne Lawyers

Lawyer's business address:
Ground Level, 27 Peel Street
SOUTH BRISBANE QLD 4101

Address for service:
Ground Level, 27 Peel Street
SOUTH BRISBANE QLD 4101

Phone:
(07) 3017 2400

Fax:
(07) 3017 2499

E-mail address (if any):
lhardy@hallpayne.com.au



INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "MRJ" mentioned in the affidavit of Michael Rayber affirmed before me on this 7th day of September 2012.

Justice of the Peace/Commissioner for Declarations/Lawyer

TRAVIS O'BRIEN
SOLICITOR

INDUSTRIAL REGISTRAR
13 SEP 2012
QUEENSLAND

RESOLUTION

The State Management Committee, noting the urgency advised by the State Secretary of the need to alter the rules of the Union to ensure they reflect the relevant rules of the Federal Counterpart Body resolves to allow exemption to occur, in accordance with rule 77, by ballot, that:

25. rule 17A be deleted and the following inserted in lieu:

17A. OFFICERS



(a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Fisheries) and may include a State Assistant Secretary (Painters) and/or State Assistance Secretary (General), a State Vice-President and a State Executive Member, together with such Organisers as the State Executive may from time to time determine.

(b) For the purpose of interpreting these Rules "State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.

26. rule 18 be deleted and the following inserted in lieu:

18. STATE MANAGEMENT COMMITTEE

18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following:

(n) the State President,
(o) the State Secretary,
(p) all the State Assistant Secretaries;
(p) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:

(i) 10 from those eligible for membership by virtue of Rule 2.1;

(ii) 2 from those eligible for membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

18.2 (a) The position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected.

(b) The membership of the Management Committee of the Union shall not be comprised of more than a total of 35% of the Union's full-time elected officers or full-time employees.

18.3 Despite 18.1, for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the State Management Committee of the Union shall consist of the following:

(xix) the State President;
(xx) the State Vice President;
(xxi) the State Secretary;
(xxii) the State Assistant Secretaries;
(xxiii) the State Executive Member;
(xxiv) 12 members on the State Management Committee who shall be elected by and from the two sub-groups as follows:



(a) 6 State Management Committee members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 3 State Management Committee members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these State Management Committee members will be elected from the members who reside in North Queensland,

subject to the following:

11. in relation to the State President:

a. that the number of State Management Committee members elected from (xxiv)(a) is to be reduced by one if the State President resides in South East Queensland;

b. that the number of State Management Committee members elected from (xxiv)(b) is to be reduced by one if the State President resides in Regional Queensland;

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11. in relation to the State Vice President:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State Vice President resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State Vice President resides in Regional Queensland;

12. in relation to the State Executive Member:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State Executive Member resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State Executive Member resides in Regional Queensland; and



(vi) 1 member on the State Management Committee who shall be elected by and from those eligible for membership by virtue of Rule 2.5.

10.4 (a) The State Secretary, the State President, the State Vice-President and the State Assistant Secretaries shall, subject to this rule, be elected by all members of the Union, who are eligible to nominate and vote in accordance with these Rules.

(b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.

(aiii) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.

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(d) The State Assistant Secretary (General) (if any) shall be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.

(e) The State Executive Member shall, subject to this Rule, be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.

18.5 (a) A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.



(b) A full time official of the Union shall not be eligible to stand for the position of State Vice-President and the office of State Vice-President shall be honorary.

(c) A full time official of the Union shall not be eligible to stand for the position of State Executive Member and the office of Executive Member shall be honorary.

18.6(a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.

(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.

(c) Despite Rule 17A and this Rule, the State Management Committee may determine that:

i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;

ii where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished, other than for the Office of Assistant Secretary (Plasterers), or whether the offices are to be filled on an honorary or full-time basis.

18.7 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.8 A special meeting of the State Management Committee may be called on a written requisition addressed to the State

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Secretary signed by 6 members of the State Management Committee.

18.9 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-President, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

18.10 For the purposes of this rule:

(a) "North Queensland" means the Local Authority areas of:



(i) Shire of Carpentaria;

(ii) Tablelands Region;

(iii) City of Townsville;

(iv) Shire of Hinchinbrook;

(v) Cassowary Coast Region;

(vi) Shire of Yarrabah;

(vii) Cairns Region;

(viii) Shire of Wujal Wujal;

(ix) Shire of Hope Vale;

(x) Shire of Cook;

(xi) Shire of Lockhart River;

(xii) Shire of Kowanyama;

(xiii) Shire of Pormpuraaw;

(xiv) Shire of Aurukun;

(xv) Napranum Shire;

(xvi) Shire of Mapoon; and

(xvii) Northern Peninsula Area Region.

(b) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(c) "South East Queensland" means the Local Authority areas of:

(i) Brisbane;

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(b) Gold Coast;

(c) Ipswich;

(d) Lockyer Valley;

(e) Logan;

(f) Moreton Bay;

(g) Redland;

(h) Scenic Rim;

(i) Somerset; and

(j) Sunshine Coast.



27. rule 20 be deleted and the following inserted in lieu:

20. STATE EXECUTIVE

20.1 There shall be a State Executive which shall comprise of the following:

(p) the State President;
(q) the State Vice-President;
(r) the State Secretary;
(s) all the State Assistant Secretaries, and
(t) a member, elected, by, and from, the members of the State Management Committee, who are not full time officials and who do not, apart from holding the office of State Management Committee member hold any other office in the Union, at its first meeting held following a quadrennial election.

20.2 Despite subrule 20.1, from the quadrennial elections first to be held in 2012 there shall be a State Executive which shall comprise of the following:

(a) the State President;

(b) the State Vice-President;

(c) the State Secretary;

(d) the State Assistant Secretaries; and

(e) the State Executive Member.

20.3 All accounts paid by the Union shall be submitted to the State Executive for ratification.

20.4 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State

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Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.

20.5 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.6 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

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(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.7 If the State President is absent from a meeting of the State Executive the Vice-President shall act and shall have the powers of the President while so acting.

20.8 (a) If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

(b) One half plus one of the number of the members of the State Executive holding office shall constitute a quorum

20.9 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

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20.10 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26

28. rule 61.7 be deleted and the following inserted in lieu:

61 EXEMPTION FROM ELECTION

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers)	State Assistant Secretary (Plasterers)
Qld Construction Workers Divisional Branch Assistant Secretary (Painters)	State Assistant Secretary (Painters)
Qld Construction Workers Divisional Branch Assistant Secretary (General)	State Assistant Secretary (General)
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Vice-President	State Vice-President
Qld Construction Workers Divisional Branch Management Committee Member (South East Queensland)	State Management Committee Member (South East Queensland)
Qld Construction Workers Divisional Branch Management Committee Member (Regional Queensland)	State Management Committee Member (Regional Queensland)
Qld Construction Workers Divisional Branch Management Committee Member (North Queensland)	State Management Committee Member (North Queensland)
Honorary President of the Qld, NT and WA District of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	Qld State Management Committee Member (Sub Rule 2.4)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers
Member of the Divisional Branch Executive	Member of the State Executive

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29. In accordance with the Industrial Relations Act the State Secretary and the State President be authorised to make the application for rule alteration;

30. in the alternative to resolution 3, and in the State Secretary's discretion, the State Management Committee authorises for the purpose of the application for rule alteration the use of the Seal in accordance with rule 30, and that the State Secretary be authorised to make the application for rule alteration in accordance with the Industrial Relations Act;

31. the State Secretary give notice of the application for exemption from election to the members; and

32. the State Secretary make application for exemption from election on the declaration of the ballot for the counterpart federal body.



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Rule 2

Existing Rule	Rule 2	Amended Rule
17A OFFICERS (a) The offices of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters), a State Vice-President and State Executive Members, together with such Organisers as the State Executive may from time to time determine. (b) For the purpose of interpreting these Rules "State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.	That rule 17A be deleted and the following inserted in lieu: 17A OFFICERS (a) *The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters) and/or State Assistance Secretary (General), a State Vice-President and a State Executive Member, together with such Organisers as the State Executive may from time to time determine.*	17A OFFICERS (a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined) in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters) and/or State Vice-President and a State Executive Member, together with such Organisers as the State Executive may from time to time determine. (b) For the purpose of interpreting these Rules "State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.

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	(b) *For the purpose of interpreting these Rules "State Assistant Secretary" means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.*	
18. STATE MANAGEMENT COMMITTEE 18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following: (a) the State President; (b) the State Secretary; (c) all the State Assistant Secretaries; (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i) 10 from those eligible for membership by virtue of Rule 2.1 (ii) 2 from those eligible for membership by virtue of Rule 2.2,	That rule 18 be deleted and the following inserted in lieu: 18. STATE MANAGEMENT COMMITTEE 18.1 *On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following:* *(a) the State President;* *(b) the State Secretary;* *(c) all the State Assistant Secretaries;* *(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:*	18. STATE MANAGEMENT COMMITTEE 18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following: (a) the State President; (b) the State Secretary; (c) all the State Assistant Secretaries; (d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows: (i) 10 from those eligible for membership by virtue of Rule

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(iii) 1 from those eligible for membership by virtue of Rule 2.5.

Provided always that:

(i) the position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected; and

(ii) the membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.2 (a) The State Secretary, the State President and the State Assistant Secretaries shall, subject to this Rule 18.2, be elected by all members of the Union, who are eligible to vote and in accordance with these Rules.

(b) The State Assistant Secretary (Fisheries) shall be elected from

(i) 10 from those eligible for membership by virtue of Rule 2.1;

(ii) 2 from those eligible for membership by virtue of Rule 2.2;

(iii) 1 from those eligible for membership by virtue of Rule 2.5.

18.2 (a) The position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected.

(b) The membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union's full-time elected officers or full-time employees.

18.3 Despite 18.1, for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the State Management Committee of the Union shall consist of the following:

(i) the State President;

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all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.

(c) The State Assistant Secretary (Pointers) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2

18.3 The State Management Committee shall, at its first meeting held following a quadrennial election, elect from its members a State Vice-President who shall not, apart from holding the office of State Management Committee member, hold any other office in the Union.

18.4 (a) A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.

(b) A full time official of the Union shall not be eligible to stand for the position of State Vice-President and the office of State Vice-President shall be honorary.

18.5 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine the number and Committee of the Union shall consist of the following:

(i) the State President;
(ii) the State Vice-President;
(iii) the State Secretary;
(iv) the State Assistant Secretaries;
(v) the State Executive Member;
(vi) 12 members on the State Management Committee who shall be elected by and from the two sub-groups as follows:

(a) 6 State Management Committee members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 3 State Management Committee members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these State Management Committee members will be elected from the members who reside in North Queensland,

(i) the State Vice-President;
(ii) the State Secretary;
(iii) the State Assistant Secretaries;
(iv) the State Executive Member;
(v) 12 members on the State Management Committee who shall be elected by and from the two sub-groups as follows:

(a) 6 State Management Committee members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 3 State Management Committee members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these State Management Committee members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the State President:

a. that the number of

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designation of State Assistant Secretaries to be elected.

(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.

(c) Despite Rule 17A and Parts (a) and (b) of this Sub-rule, the State Management Committee may determine that:

i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;

ii. where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished or whether it is to be filled on an honorary or full-time basis.

18.6 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

subject to the following:

1. in relation to the State President:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State President resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State President resides in Regional Queensland;

State Management Committee members elected from (vi)(a) is to be reduced by one if the State President resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State President resides in Regional Queensland;

2. in relation to the State Vice President:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State Vice President resides in South East Queensland;

b. that the number of State Management

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18.7 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.

18.8 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-President, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

2. in relation to the State Vice President:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State Vice President resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State Vice President resides in Regional Queensland;

Committee members elected from (vi)(b) is to be reduced by one if the State Vice President resides in Regional Queensland;

3. in relation to the State Executive Member:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State Executive Member resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State Executive Member resides in Regional Queensland, and

(vi) 1 member on the State Management Committee who

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	2. in relation to the State Executive Member:		shall be elected by and from those eligible for membership by virtue of Rule 2.5.
	a. that the number of State Management Committee members elected from (Wpt) is to be reduced by one if the State Executive Member resides in South East Queensland;	16.4	(a) The State Secretary, the State President, the State Vice-President and the State Assistant Secretaries shall, subject to this rule, be elected by all members of the Union, who are eligible to nominate and vote in accordance with these Rules.
	b. that the number of State Management Committee members elected from (Wpt) is to be reduced by one if the State Executive Member resides in		(b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.
			(c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.
			(d) The State Assistant Secretary

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			Regional Queensland; and		(General) (if any) shall be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.
		(vi)	1 member on the State Management Committee who shall be elected by and from those eligible for membership by virtue of Rule 2.6		(c) The State Executive Member shall, subject to this Rule, be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.
	18.4	(a)	The State Secretary, the State President, the State Vice-President and the State Assistant Secretaries shall, subject to this rule, be elected by all members of the Union, who are eligible to nominate and vote in accordance with these Rules.	18.5	(a) A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.
		(b)	The State Assistant Secretary (Electrical) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.		(b) A full time official of the Union shall not be eligible to stand for the position of State Vice-President and the office of State Vice-President shall be honorary.
		(c)	The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union		(c) A full time official of the Union shall not be eligible to stand for the position of State Executive Member and the office of Executive Member shall be honorary.

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who are eligible for membership of the Union by virtue of Rule 2.2.

(d) The State Assistant Secretary (General) (if any) shall be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.

(e) The State Executive Member shall, subject to this Rule, be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.

14.5 (a) A full time official of the Union shall not be eligible to stand for the position of State President and the office of State President shall be honorary.

(b) A full time official of the Union shall not be eligible to stand for the position of State Vice-President and the office of State Vice-President shall be honorary.

18.6 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.

(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.

(c) Despite Rule 17A and this Rule, the State Management Committee may determine that:

i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;

ii. where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules,

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		(c)	A full time official of the Union shall not be eligible to stand for the position of State Executive Member and the office of Executive Member shall be honorary.	
		15.6 (a)	The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.	
		(b)	The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.	
		(c)	Despite Rule 17A and this Rule, the State Management Committee may determine that:	
			i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent	
			resolve whether the office shall be abolished, other than for the Office of Assistant Secretary (Placement), or whether the offices are to be filled on an honorary or full-time basis.	
		16.7	One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.	
		16.8	A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.	
		16.9	The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-President, members of the Management Committee, State Returning	

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in that office, revert to an honorary office; where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished, other than for the Office of Assistant Secretary (Fisheries), or whether the offices are to be filled as an honorary or full-time basis.

18.7 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.8 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary

Officers and Deputy Returning Officers, and Scrutineers.

18.10 For the purposes of this rule:

(a) "North Queensland" means the Local Authority areas of:

(i) Shire of Carpentaria;
(ii) Tablelands Region;
(iii) City of Townsville;
(iv) Shire of Hinchinbrook;
(v) Cassowary Coast Region;
(vi) Shire of Yarrabah;
(vii) Cairns Region;
(viii) Shire of Wujal Wujal;
(ix) Shire of Hope Vale;
(x) Shire of Cook;
(xi) Shire of Lockhart River;
(xii) Shire of Kowanyama;
(xiii) Shire of Pormpuraaw;
(xiv) Shire of Aurukun;
(xv) Napranum Shire;
(xvi) Shire of Mapoon; and
(xvii) Northern Peninsula Area Region.

(b) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East

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signed by 6 members of the State Management Committee.

13.9 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-President, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

13.10 For the purposes of this rule:

(a) "North Queensland" means the Local Authority areas of:

(i) Shire of Carpentaria;
(ii) Tablelands Region;
(iii) City of Townsville;
(iv) Shire of Hinchinbrook;
(v) Cassowary Coast Region;
(vi) Shire of Yarrabah;
(vii) Cairns Region;
(viii) Shire of Wujal Wujal;
(ix) Shire of Hope Queensland.

(c) "South East Queensland" means the Local Authority areas of:

(a) Brisbane;
(b) Gold Coast;
(c) Ipswich;
(d) Lockyer Valley;
(e) Logan;
(f) Moreton Bay;
(g) Redland;
(h) Scenic Rim;
(i) Somerset; and
(j) Sunshine Coast.

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Yarrabah;

(xi) Shire of Cook;

(xii) Shire of Lockhart River;

(xiii) Shire of Hinchinbrook;

(xiv) Shire of Palm Island;

(xv) Shire of Aurukun;

(xvi) Napranum Shire;

(xvii) Shire of Mapoon; and

(xviii) Northern Peninsula Area Region

(b) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(c) "South East Queensland" means the Local Authority areas of:

(i) Brisbane;

(ii) Gold Coast;

(iii) Ipswich;

(iv) Lockyer Valley;

(v) Logan;

(vi) Moreton Bay;

(vii) Redland;

(viii) Scenic Rim;

(ix) Somerset; and

(x) Sunshine Coast.

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20. **STATE EXECUTIVE** 20.1 There shall be a State Executive which shall compose of the following: (a) the State President; (b) the State Vice-President; (c) the State Secretary; (d) all the State Assistant Secretaries; and (e) a member, elected, by, and from, the members of the State Management Committee, who are not full time officials and who do not spare from holding the office of State Management Committee member held any other office in the Union, at its first meeting held following a quadrennial election. 20.2 All accounts paid by the Union shall be submitted to the State Executive for ratification 20.3 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.	That rule 20 be delisted and the following inserted in lieu: 20. **STATE EXECUTIVE** 20.1 *There shall be a State Executive which shall comprise of the following:* *(a) the State President;* *(b) the State Vice-President;* *(c) the State Secretary;* *(d) all the State Assistant Secretaries; and* *(e) a member, elected, by, and from, the members of the State Management Committee, who are not full time officials and who do not spare from holding the office of State Management Committee member held any other office in the Union, at its first meeting held following a quadrennial election.* 20.2 *Despite subrule 20.1, from the quadrennial elections first to be held in 2012 there shall be a State Executive which shall comprise of the following:*	20. **STATE EXECUTIVE** 20.1 There shall be a State Executive which shall comprise of the following: (a) the State President; (b) the State Vice-President; (c) the State Secretary; (d) all the State Assistant Secretaries; and (e) a member, elected, by, and from, the members of the State Management Committee, who are not full time officials and who do not spare from holding the office of State Management Committee member held any other office in the Union, at its first meeting held following a quadrennial election 20.2 Despite subrule 20.1, from the quadrennial elections first to be held in 2012 there shall be a State Executive which shall comprise of the following: (a) the State President, (b) the State Vice-President;

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20.4 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.5 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgentattention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.6 If the State President is absent from a meeting of the State Executive the

(a) the State President;

(b) the State Vice-President;

(c) the State Secretary;

(d) the State Assistant Secretaries; and

(e) the State Executive Member.

20.3 All accounts paid by the Union shall be submitted to the State Executive for ratification.

20.4 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.

20.5 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.6 Notwithstanding anything hereinbefore contained, where the State President or the State

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Vice-President shall act and shall have the powers of the President while so acting

20.7 (a) if at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

(b) One half plus one of the number of the members of the State Executive holding office shall constitute a quorum

20.8 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the

State President of the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.7 If the State President is absent from a meeting of the State Executive the Vice-President shall act and shall have the powers of the President while so acting.

Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.7 If the State President is absent from a meeting of the State Executive the Vice-President shall act and shall have the powers of the

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ordinary office hours of the Union.		President while so acting
20.8 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.	20.6 (a) *If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.* (b) *One half plus one of the number of the members of the State Executive holding office shall constitute a quorum* 20.7 *The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A*	20.6 (a) If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined. (b) One half plus one of the number of the members of the State Executive holding office shall constitute a quorum 20.7 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State

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QUEENSLAND 13 SEP 2012 REGISTRAR

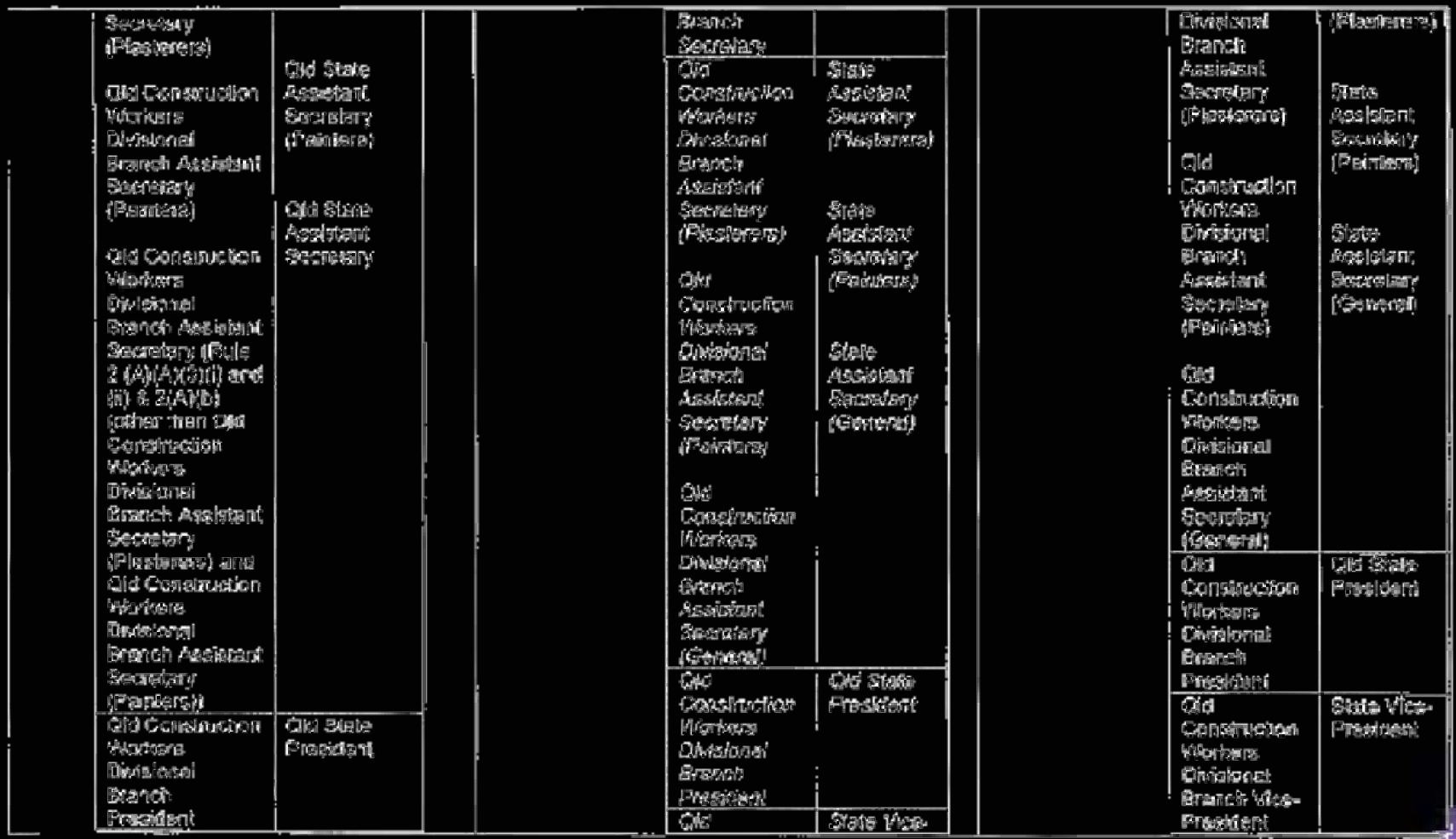
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	copy of the minutes of each State Executive meeting shall upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union. 20.10 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26	Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union. 20.10 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26
61 EXEMPTION FROM ELECTION 61.1 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:- The CFMEU / The Union Qld Construction Workers Divisional Branch Secretary / Qld State Secretary Qld Construction Workers Divisional Branch Assistant Secretary / Qld State Assistant Secretary (Registered)	That rule 61.7 be deleted and the following inserted in lieu: 61 EXEMPTION FROM ELECTION 61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:- The CFMEU / The Union Qld Construction Workers Divisional / State Secretary	61 EXEMPTION FROM ELECTION 61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:- The CFMEU / The Union Qld Construction Workers Divisional Branch Secretary / State Secretary Qld Construction Workers / State Assistant Secretary

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Qld Construction Workers Divisional Branch Vice-President	State Vice-President
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(AA)(3)(i) and (ii))	Qld State Management Committee Member (Sub Rule 2.1)
Qld Construction Workers Divisional Branch Management Committee Member (Rule 2(AA)(b))	Qld State Management Committee Member (Sub Rule 2.2)
Honorary President of the Qld, NT and WA District of the Number 1 Branch of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	Qld State Management Committee Member (Sub Rule 2.5)

Construction Workers Divisional Branch Vice-President	President
Qld Construction Workers Divisional Branch Management Committee Member (South East Queensland)	State Management Committee Member (South East Queensland)
Qld Construction Workers Divisional Branch Management Committee Member (Regional Queensland)	State Management Committee Member (Regional Queensland)
Qld Construction Workers Divisional Branch Management Committee Member (North Queensland)	State Management Committee Member (North Queensland)

Qld Construction Workers Divisional Branch Management Committee Member (South East Queensland)	State Management Committee Member (South East Queensland)
Qld Construction Workers Divisional Branch Management Committee Member (Regional Queensland)	State Management Committee Member (Regional Queensland)
Qld Construction Workers Divisional Branch Management Committee Member (North Queensland)	State Management Committee Member (North Queensland)
Honorary President of the Qld, NT and WA District of the	Qld State Management Committee Member

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Old Construction Workers Divisional Branch Organisers	Old State Organisers
Member of the Divisional Branch Executive	Member of the State Executive

Honorary President of the Old, NT and WA District of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	Old State Management Committee Member (Sub Rule 2.6)
Old Construction Workers Divisional Branch Organisers	Old State Organisers
Member of the Divisional Branch Executive	Member of the State Executive

Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	(Sub Rule 2.6)
Old Construction Workers Divisional Branch Organisers	Old State Organisers
Member of the Divisional Branch Executive	Member of the State Executive

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QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(Sections 457 and 478)

(Matter No. RIC/2012/161)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Industrial Relations Act 1999, the amendments to rules numbered 17A, 18, 20 and 61 of the Rules of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, have been approved and registered on 14 September 2012.

Dated at Brisbane this fourteenth day of September 2012.

C.R. CHADWICK
Acting Industrial Registrar

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

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"A"

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

1. NAME AND OFFICE

1.1 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".

1.2 The Office of the Union shall be at 16 Campbell Street, Bowen Hills, Queensland, 4006, to which all communications and notices shall be addressed.

1.3 This 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.

2. ELIGIBILITY

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.

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, condensors, 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.

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.

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.

2.5 The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other

employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

2.6 Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

2.7 Without limiting the generality of the foregoing Sub-Rules of this Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, shall be eligible for membership of the Union, and the Union shall consist of an unlimited number of such persons.

3. OBJECTS

3.1 The objects of the Union shall be to:

a. to enrol in the Union persons eligible to be members;

b. to advance the interests of members and secure appropriate classification structures with appropriate rates of pay that adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

c. to ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system;

d. to ensure that rates of pay and other provisions in awards adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

e. to advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies;

f. to provide legal protection for members with respect to industrial and work injury related matters;

g. to assist members in the event of unemployment, sickness, injury, mortality or industrial dispute;

h. to establish Sub-Branches and Sections of the Union and organise members into Sub-Branches and Sections throughout Queensland;

i. to publish or contribute to the publication of a Union Journal, newspaper or other media;

j. to assist in the establishment and maintenance, or to contribute to the establishment and maintenance of, a labour journal, newspaper and/or other media;

k. to advance the living and working conditions of workers and their families, and to assist kindred unions and other bodies having objects similar in whole or in part to the objects of the Union;

l. to advance the living and working conditions of workers and independent contractors, whether individually or as a whole, in the construction industry;

m. to assist and advance the conditions of members who have retired;

n. to affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association, any political party or any other organisation having objects similar in whole or in part to the objects of the Union;

o. to hold, purchase, lease, mortgage, sell or otherwise deal in property;

p. to make financial provision for the carrying out of the objects;

q. 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, social or other legislation;

r. to secure preference of employment for unionists generally and for Financial Members;

s. to establish and maintain, or to contribute to the establishment and maintenance of, an employment bureau for Financial Members;

t. to contribute to any charitable or public benevolent institution;

u. to constitute, conduct, carry on and manage clubs, holiday and rest centres for the benefit of Financial Members and their families;

v. to co-operate and maintain contact with members, other unions, labour bodies and socially responsible organisations in Australia and overseas;

w. to be involved in socially responsible actions as part of the wider community in Australia and overseas;

x. to bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises;

y. to organise the education of members;

z. to promote the policy of equality of status and opportunity for all members;

aa. to promote the employment of women in industries and enterprises falling within the eligibility of the Union;

bb. to increase the number of female members;

cc. to encourage the participation by women in union activities and decision making bodies;

dd. to adopt, promote and implement family friendly policies for members, Union employees and officials;

ee. to increase the number of women employed by the Union;

ff. to ensure there is equal employment and career path opportunity for women employed by the Union;

gg. to establish a fund from which to provide retiring allowances to full time Officers and employees of the Union or its Divisional Branches.

hh. to establish and administer trust funds ("the Trust Funds") for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

ii. to contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

jj. to transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the Financial Members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

kk. to pursue such other objects as the State Delegates Convention or the State Management Committee may from time to time determine;

ll. to enter into contracts and agreements for the purpose of carrying out the objects of the Union;

mm. to do all such things as may be necessary or incidental to the carrying out of the objects of the Union;

nn. none of the objects expressed in Sub-Rules (a) to (mm) are to be read in such a way as to limit any other of those objects.

3.2 The Union has, in the exercise of its affairs, all the powers of an individual.

3.3 Without limiting the power provided in Subrule 3.2 the Union may exercise the following powers:

a. enter into contracts;

b. acquire, hold, deal with and dispose of property;

c. make charges for services and facilities it supplies;

d. borrow or raise or secure the payment of money in a way determined, by resolution, at any general meeting;

e. secure the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way including the issue of debentures, perpetual or otherwise, charged upon any of the Union's property, both present and future;

f. purchase, redeem or pay off any securities of the Union;

g. borrow amounts from members and pay interest on the amounts borrowed, provided that the rate of interest shall not be more than the rate for the time being charged on overdrawn accounts on money lent (whatever the sum) by:

(i) the financial institution for the Union; or

(ii) if there is more than 1 financial institution for the Union – the financial institution decided by the management committee;

h. mortgage or charge the Union's property or any part of the property;

i. issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Union;

j. provide and pay off any such securities;

k. invest in a way determined, by resolution, at any general meeting;

l. appoint, employ, remove or suspend any servant, agent or volunteer of the Union;

m. enter into and obtain from any Local, State or Federal Government or Local, State or Federal Authority any rights, privileges and/or concessions;

n. construct, improve, maintain, develop or alter any houses, buildings or grounds of the Union;

o. take any gift of property bequeathed to the Union whether subject to any special trust and to utilize and/or dispose of it;

p. encourage by personal or written appeals, public meetings or any other method the procuring of contributions to the funds of the Union, in the form of donations, annual subscriptions, gifts or otherwise;

q. print newspapers, periodicals, books or leaflets;

r. make donations for charitable or community purposes;

s. do any other thing necessary or convenient to be done in carrying out its affairs;

t. do all things which are necessary or desirable for the attainment of any of the Unions objects.

3.4 No power provided for in Sub-rule 3.3 of this rule limits the operation of any other power provided for in Sub-rule 3.3 of this rule or a power that may be otherwise provided for in the rules of the Union.

3.5 Without limiting the powers expressed in Sub-Rules 3.1, 3.2 and 3.3, the Union shall achieve its objects by the application of all lawful means available to it including, without limitation, industrial, political and legal means.

3.6 Without limiting the powers expressed in Sub-Rules 3.1, 3.2, 3.3 and 3.5 the Union shall provide such funds and resources as necessary for furthering its objects and any expenditure out of the funds of the Union in furtherance of the achievement of any of the objects of the Union shall be deemed to be part of the ordinary expenses of the Union.

4. APPLICATION FOR MEMBERSHIP

4.1 Application for membership of the Union shall be in writing signed by the applicant on the form determined by the State Management Committee.

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

4.3 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.

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 State Secretary, the Sub-Branch Secretary or authorised person, the required Entrance Fee, and six months contributions.

4.5 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.

4.6 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.

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 Union Rules free of charge on request.

4.9 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 Union.

5. **ENTRANCE FEE**

5.1 An applicant who has no arrears of contributions, levies, fines or fees standing against them from a previous period of membership shall pay an entrance fee as the State Management Committee may decide, but not more than 3 months dues contributions.

5.2 An applicant who has arrears of contributions, levies, fines or fees standing against them from a previous period of membership shall pay an entrance fee being such sum as shall be determined by the State Management Committee provided that it is not more than the equivalent of 1 years contributions.

6. **CONTRIBUTIONS**

6.1 The payment of membership contributions shall be half-yearly and shall not exceed one and one half percentum (1 ½%) of the National Building Construction Industry Award rate for a carpenter multiplied by twenty-six (26).

6.2 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.

6.3 The sum of 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 such publications to financial members of the Union.

6.4 Sub-Branch committees may grant exemption from contributions to members who have been unemployed for more than 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.

6.5 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, in advance, of $5 or such amount as may be determined by the State Management Committee, 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 their Sub-Branch Secretary.

6.6 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 the applicant joined. Such credit shall be calculated on a monthly basis.

7. **FINANCIAL MEMBERSHIP**

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

7.2 Notwithstanding the foregoing, any member, having made application to join and paid the entrance fee, having commenced on a pay roll deduction scheme in excess of 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.

8. **RESIGNATION OF MEMBERS**

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

8.2 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 to the Office of the Union.

8.3 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 in accordance with these Rules.

8.4 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, subject to the Act, be sued for and recovered in the name of the Union.

9. 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 a Sub-Branch to any other Sub-Branch, 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.

10. DUTIES OF MEMBERS

10.1 No member shall call on or write to any Sub-Branch Secretary at the works where the Sub-Branch Secretary is employed.

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

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

10.4 A member, being aware of the death of any other member, shall notify the State Secretary.

11. MISCONDUCT OF MEMBERS

11.1 Subject to Rule 26, 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 the member from membership or suspend the member from benefit for a period of not more than six months for such an offence.

11.2 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.

11.3 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.

11.4 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 the 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 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.

11.5 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 State 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 these Rules for the conduct of the business of the Union or Sub-Branch.

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

11.7 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.

11.8 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.

11.9 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 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.

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

12.1 Any member finding themself aggrieved against the actions or decisions of the Officers or members of the Union may, in the case of any grievance, appeal to their Sub-Branch for redress, and, if still aggrieved, they 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.

12.2 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.

12.3 The State Management Committee shall not consider any appeal for assistance pursuant to Rule 41 from any member whose total dues to the Union amount to twelve months' contributions or more.

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

13. **CONTROL AND SUSPENSION OF MEMBERS**

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

13.2 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.

13.3 A fine imposed under this Rule shall not exceed $10, nor shall any suspension from benefit exceed a period of three years.

14. **REGISTER OF MEMBERS & OFFICERS**

14.1 A register of members and all Officers of the Union shall be kept in the Union Office.

14.2 The register shall be arranged according to sub-branches

14.3 A financial member of the Union may at all reasonable times inspect the books, membership records, documents and other property of the Union.

15. **RECOVERY OF ARREARS:**

15.1 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 State Secretary shall take the necessary steps for the recovery of such arrears.

15.2 The State Secretary 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.

15.3 The State Secretary 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, provided that any unrecovered and outstanding membership contribution, fees, fines or levies owing by a member for more than one and a half years shall be waived by the Union.

16. **PROPERTY & FUNDS OF THE UNION**

16.1 For the purpose of carrying out all or any of the objects of the Union, there shall be a fund of the Union and the Union 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 Union Fund for its use and benefit pursuant to the Rules of the Union.

16.2 Without limiting the generality of Union Sub-rule 16.1 the Union Fund shall consist of:-

(a) any real or personal property of which the Union 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 Union;

(c) any interest, rents, dividends or other income derived from the investment of the state fund;

(d) any superannuation or long service leave fund operated or controlled by the Union 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 Union 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.

17. **BANKING AND EXPENDITURE OF FUNDS**

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

17.2 The name of any such banking account shall include the words "Construction, Forestry, Mining & Energy Union of Employees, Queensland".

17.3 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.

17A **OFFICERS**

(a) The officers of the Union shall consist of the State President (which position shall be honorary), the State Secretary, the State Assistant Secretaries (the total number of which shall be determined in accordance with Rule 18) which shall include a State Assistant Secretary (Plasterers) and may include a State Assistant Secretary (Painters) and/or State Assistance Secretary (General), a State Vice-President and a State Executive Member, together with such Organisers as the State Executive may from time to time determine.

(b) For the purpose of interpreting these Rules “State Assistant Secretary” means any or all, as the case may be, of the State Assistant Secretaries unless a Rule expressly provides otherwise.

18. **STATE MANAGEMENT COMMITTEE**

18.1 On and from 2 January 2005, the State Management Committee of the Union shall comprise of the following:

(a) the State President;
(b) the State Secretary;
(c) all the State Assistant Secretaries;
(d) 13 members on the State Management Committee who shall be elected by and from the three sub-groups, which shall include a position in the sub-group to which the State President belongs, as follows:

(i) 10 from those eligible for membership by virtue of Rule 2.1;
(ii) 2 from those eligible for membership by virtue of Rule 2.2;
(iii) 1 from those eligible for membership by virtue of Rule 2.5.

18.2 (a) The position of Union Secretary, State Assistant Secretary or Union Organiser are the only positions to which full time or part time officers or employees may be elected.
(b) The membership of the Management Committee of the Union shall not be comprised of more than a total of 30% of the Union’s full-time elected officers or full-time employees.

18.3 Despite 18.1, for the quadrennial elections to be held in 2012, and for all quadrennial elections thereafter, the State

Management Committee of the Union shall consist of the following:

(i) the State President;
(ii) the State Vice President;
(iii) the State Secretary;
(iv) the State Assistant Secretaries;
(v) the State Executive Member;
(vi) 9 members on the State Management Committee who shall be elected by and from the two sub-groups as follows:

(a) 6 State Management Committee members who will be elected by, and from, the members who reside in South East Queensland; and

(b) 3 State Management Committee members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of these State Management Committee members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the State President:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State President resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State President resides in Regional Queensland;

2. in relation to the State Vice President:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State Vice President resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State Vice President resides in Regional Queensland;

3. in relation to the State Executive Member:

a. that the number of State Management Committee members elected from (vi)(a) is to be reduced by one if the State Executive Member resides in South East Queensland;

b. that the number of State Management Committee members elected from (vi)(b) is to be reduced by one if the State Executive Member resides in Regional Queensland; and

(vii) 1 member on the State Management Committee who shall be elected by and from those eligible for membership by virtue of Rule 2.5.

18.4 (a) The State Secretary, the State President, the State Vice-President and the State Assistant Secretaries shall, subject to this rule, be elected by all members of the Union, who are eligible to nominate and vote in accordance with these Rules.

(b) The State Assistant Secretary (Plasterers) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.1.

(c) The State Assistant Secretary (Painters) (if any) shall be elected from all members of the Union who are eligible for membership of the Union by virtue of Rule 2.2.

(d) The State Assistant Secretary (General) (if any) shall be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.

(e) The State Executive Member shall, subject to this Rule, be elected by and from all the members of the Union, who are eligible to nominate and vote in accordance with these Rules.

18.5 (a) A full time official of the Union shall not be eligible to stand for the position of State President and the office of State

President shall be honorary.

(b) A full time official of the Union shall not be eligible to stand for the position of State Vice-President and the office of State Vice-President shall be honorary.

(c) A full time official of the Union shall not be eligible to stand for the position of State Executive Member and the office of Executive Member shall be honorary.

18.6 (a) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine, the number and designation of State Assistant Secretaries to be elected.

(b) The State Management Committee shall, not less than 3 months prior to the closing of nominations as prescribed in Rule 28, determine which (if any) of the State Assistant Secretaries are to be honorary.

(c) Despite Rule 17A and this Rule, the State Management Committee may determine that:

i. a Full Time office of State Assistant Secretary, shall, with the consent of the incumbent in that office, revert to an honorary office;
ii. where a casual vacancy arises in an office of State Assistant Secretary, the State Committee of Management may, prior to filling the vacancy pursuant to these Rules, resolve whether the office shall be abolished, other than for the Office of Assistant Secretary (Plasterers), or whether the offices are to be filled on an honorary or full-time basis.

18.7 One half plus one of the number of the members of the State Management Committee holding office shall constitute a quorum.

18.8 A special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by 6 members of the State Management Committee.

18.9 The State Management Committee shall, from time to time, set down a scale of payments and/or honorariums as the case may be for the Secretary, State Assistant Secretaries, State Trustees, Officials, Organisers, State President, State Vice-President, members of the Management Committee, State Returning Officers and Deputy Returning Officers, and Scrutineers.

18.10 For the purposes of this rule:

(a) "North Queensland" means the Local Authority areas of:
(i) Shire of Carpentaria;
(ii) Tablelands Region;
(iii) City of Townsville;
(iv) Shire of Hinchinbrook;
(v) Cassowary Coast Region;
(vi) Shire of Yarrabah;
(vii) Cairns Region;
(viii) Shire of Wujal Wujal;
(ix) Shire of Hope Vale;
(x) Shire of Cook;
(xi) Shire of Lockhart River;
(xii) Shire of Kowanyama;
(xiii) Shire of Pompuraaw;
(xix) Shire of Aurukun;
(xx) Napranum Shire;
(xxi) Shire of Mapoon; and
(xxii) Northern Peninsula Area Region.

(b) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(c) "South East Queensland" means the Local Authority areas of:
(a) Brisbane;
(b) Gold Coast;
(c) Ipswich;

(d) Lockyer Valley;
(e) Logan;
(f) Moreton Bay;
(g) Redland;
(h) Scenic Rim;
(i) Somerset; and
(j) Sunshine Coast.

18A MEETINGS OF THE STATE MANAGEMENT COMMITTEE

18A.1 The State Management Committee shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Management Committee, summon a meeting of the State Management Committee to be held within 7 days of the receipt of the request by the State Secretary.

18A.2 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Management Committee.

18A.3 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Management Committee may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Management Committee are able to communicate with each other without being physically present; or

(b) a ballot of the State Management Committee members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

18A.4 If the State President is absent from a meeting of the State Management Committee the Vice-President shall act and shall have the powers of the President while so acting.

18A.5 If at any meeting of the State Management Committee no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

18A.6 The minutes of each State Management Committee meeting shall be prepared by the State Secretary and forwarded to each member of the State Management Committee and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Management Committee meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

18A.7 A member of the State Management Committee absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

19. **STATE MANAGEMENT COMMITTEE FINANCE**

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

19.2 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 the Union Rules and the State Management Committee shall annually in the month of December, or such other time as the Union Committee may decide, reimburse this Sub-Branch account as required by the Sub-Branch to restore the account to the original sum.

19.3 The State 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 State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in the absence of the State Secretary the Acting State Secretary). No donation exceeding $200 shall be made without the approval of the State Executive.

19.4 The financial year of the Union shall be the 12 month period ending the 31st of December or such other period as the State Management Committee decide.

20. **STATE EXECUTIVE**

20.1 There shall be a State Executive which shall comprise of the following:

(a) the State President;
(b) the State Vice-President;
(c) the State Secretary;
(d) all the State Assistant Secretaries; and
(e) a member, elected, by, and from, the members of the State Management Committee, who are not full time officials and who do not apart from holding the office of State Management Committee member hold any other office in the Union, at its first meeting held following a quadrennial election.

20.2 Despite subrule 20.1, from the quadrennial elections first to be held in 2012 there shall be a State Executive which shall comprise of the following:

(a) the State President;
(b) the State Vice-President;
(c) the State Secretary;
(d) the State Assistant Secretaries; and
(e) the State Executive Member.

20.3 All accounts paid by the Union shall be submitted to the State Executive for ratification.

20.4 The State Executive shall meet not less than 3 times per year and at such times as its members may determine. The State Secretary shall, upon the request of the State President, or at least one quarter of the members of the State Executive, summon a meeting of the State Executive to be held within 7 days of the receipt of the request by the State Secretary.

20.5 The State Secretary shall give at least 24 hours notice when summoning members to meetings of the State Executive.

20.6 Notwithstanding anything hereinbefore contained, where the State President or the State Secretary consider that a matter requires urgent attention:

(a) a meeting of the State Executive may be called by the State President or the State Secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the State Executive are able to communicate with each other without being physically present; or

(b) a ballot of the State Executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer E-mail or by such other electronic or telegraphic means as may be available.

20.7 If the State President is absent from a meeting of the State Executive the Vice-President shall act and shall have the powers of the President while so acting.

20.8 (a) If at any meeting of the State Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be quorum for the purpose of the business to be determined.

(b) One half plus one of the number of the members of the State Executive holding office shall constitute a quorum.

20.9 The minutes of each State Executive meeting shall be prepared by the State Secretary and forwarded to each member of the State Executive and upon confirmation the minutes shall be signed by the State President. A copy of the minutes of each State Executive meeting shall, upon their being confirmed, be available for inspection by the members of the Union during the ordinary office hours of the Union.

20.10 A member of the State Executive absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with Rule 26.

21. **DUTIES OF THE STATE PRESIDENT/STATE VICE-PRESIDENT**

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

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

21.3 The State President shall conduct the business in accordance with the standing orders and Rules of debate provided for in these Rules.

21.4 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.

21.5 In the absence of the State President at any meeting, or if the State President is present but refuses to act, the State Vice-President shall act, and shall whilst so acting, act with all the powers of the State President.

22. **DUTIES OF STATE SECRETARY**

22.1 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.

22.2 The State Secretary shall be the Chief Executive Officer of the Union and shall conduct and manage the affairs of the Union, subject to these Rules, between meetings of the State Executive.

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

22.4 The State Secretary shall be the registered State 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 State Management Committee has jurisdiction unless these Rules otherwise provide.

22.5 The State Secretary shall keep a correct record of the members in the Union 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.

22.6 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 Act and amendments thereof.

22.7 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 22.10.

22.8 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.

22.9 The State Secretary shall attend to court, legal, industrial matters and/or other matters or other hearings before any Industrial Commission, Tribunal, Board and/or Court or any other such body.

22.10 The State Secretary shall keep all books and documents necessary to a proper working of the Office and of the State 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 State Management Committee the State Management Committee shall publish same to the members and then lodge it with the Registrar.

22.11 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 of the existence or likelihood of industrial disputes.

22.12 Should the State Secretary fail to carry out the State Secretary's duties to the satisfaction of the State Management Committee the State Secretary may be dealt with by such committee in the manner prescribed in Rule 26.

22.13 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 26. 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 the State Secretary's successor in Office they shall be audited.

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

23. DUTIES OF ASSISTANT SECRETARIES

23.1 The State Assistant Secretaries shall work under the direction of the State Management Committee and the State Secretary.

23.2 The State Assistant Secretaries shall assist the State Secretary in carrying out the duties set out in Rule 22.

23.3 In the absence of the State Secretary one of the Assistant State Secretaries shall be appointed by the State Management Committee as the Acting State Secretary.

23.4 Any Acting State Secretary shall be subject to Rules 22.13 and 26.

23.5 A fulltime/part-time State Assistant Secretary (if any) shall act as the Secretary of the Brisbane Sub-Branch as determined by the State Management Committee and if there be no fulltime/part-time State Assistant Secretary appointed then the State Management Committee shall approve an officer to act as the Brisbane Sub-Branch Secretary.

24. TRUSTEES

24.1 The State Management Committee shall elect from among their members four (4) trustees, any two of whom may act with the State Secretary, or in the latter's absence, one of the State Assistant Secretaries.

24.2 The Union fund shall be vested in the names of the four (4) trustees.

24.3 The Union fund shall be banked in the manner prescribed in these Rules.

24.4 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 Executive, in accordance with these Rules. Such cheques shall be countersigned by the State Secretary, or in the absence of the State Secretary by one of the State Assistant Secretaries.

24.5 The trustees shall have all powers and immunities conferred on such trustees by Statute and at law.

25. ORGANISERS

25.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in Rule 28, determine the number of organisers to be elected. They shall also determine the area of the State in which organisers shall reside and operate, and may if income is sufficient appoint additional organisers.

25.2 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 Union as directed by the State Management Committee.

25.3 Union 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 State Management Committee.

25.4 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.

26. REMOVAL OF OFFICERS

26.1 Any Officer of the Union being charged, in accordance with the Rules of the Union with 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.

26.2 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.

26.3 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.

26.4 Should the Officer be found guilty and there be no appeal within the prescribed time, and/or the Officer's appeal be rejected, the 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 28.

27. SALARIES OF OFFICERS

The State Management Committee shall from time to time set down a scale of payments and/or honorariums as the case may be 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.

28. NOMINATION OF STATE PRESIDENT, STATE VICE PRESIDENT, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

28.1 Any member of the Union who is financial as provided for in these Rules at the time of nominations and has financial membership of the Union in accordance with the scale set out in Sub-rule 28.2 may nominate for such positions according to this scale.

Provided that any member who has ceased to work in the industry of the Union 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.

28.2 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 Assistant State Secretaries State President State Vice-President	Three years financial membership
State Management Committee Members District Secretary/Organiser State Organisers	One years financial membership

28.3 The term of Office for the above positions shall be four years.

28.4 Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer, or the Manager of the election, as the case may be, for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post or delivered to the Returning Officer or Manager of the election, as the case may be.

28.5 (a) The term of office for the officers of the Union (excluding the State Vice-President and the State Executive Member) and the members of the State Management Committee shall commence on and from the 2 January in the year following the election for such offices held in accordance with these rules and they shall hold those offices, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

(b) The State President, State Secretary and the State Assistant Secretaries shall take office on the State Executive on, and from, the day they take office pursuant to sub-rule (a) and they shall hold that office, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

(c) The State Vice-President and State Executive Member shall commence to hold office from the declaration of results at the 1st meeting of the State Management Committee following the taking of office by the members of the State Management Committee pursuant to sub-rule (a) and they shall hold those offices, subject to death, resignation, or removal from office pursuant to these rules, until their successors take office in accordance with these rules.

29. **ELECTION PROCEDURE DEFINITIONS**

Definitions:

"ballot box" means a ballot box kept under Rule 43.

"Candidate", for an election, means a person:

(a) who has nominated as a Candidate for the office the election is about; and

(b) whose nomination has been accepted under Rule 34.3; and

(c) whose nomination has not been withdrawn.

"Election Procedures Rules" means Rules 29 – 58 of these Rules.

"eligible member" means a person who was a financial member of the Union 30 days before the starting time for nominations.

"higher office" means:

(a) for the office of State Management Committee member—any office other than the office of trustee; or

(b) for the office of State Assistant Secretary—the office of State Secretary, State Vice-President or State President; or

(c) for the office of State Secretary—the office of State Vice-President or State President; or

(d) for the office of State Vice-President—the office of State President.

"industry sub-group" mean the industry sub-groups respectively provided by Sub-rules 2.1, 2.2, and 2.5 of these Rules.

"initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

"Manager of an Election" means:

(a) the electoral officer conducting the election or ballot; or

(b) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election.

"member" means a member of the Union.

"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.

"return envelope" see Rule 42.1 (c).

"roll", for an election, means the roll of Voters prepared for the election under Rule 38.

"scrutineer" means:

(a) a Candidate who acts personally as a scrutineer; or

(b) a person appointed as a scrutineer for a Candidate under Rule 49.

"State Secretary" means:

(a) the person holding office as the Union's State Secretary; or

(b) another officer of the Union, however described, who has the functions of the Union's State Secretary.

"trustee" means the office of a person holding, whether as trustee or otherwise, property:

(a) of the Union; or

(b) that the Union has a beneficial interest in.

"Voter" means a person:

(a) who is an eligible member; and

(b) whose name is on the roll under Rule 38.

"voting material" see Rule 42.1.

PART 2—MANAGER OF ELECTION

30. MANAGER OF ELECTION—FUNCTIONS AND POWERS

30.1 The Manager of an election:

(a) must not influence, or attempt to influence, the outcome of the election; and

(b) must conduct the election under these Election Procedure Rules except where the Rules expressly provide otherwise; and

(c) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(d) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

30.2 The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(a) to ensure no irregularities happen in the election; or

(b) to remedy a procedural defect that appears to the Manager to exist about the election.

30.3 To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.

PART 3—PRE-ELECTION PROCEDURES

31. CLOSING DAY AND TIME FOR NOMINATIONS

31.1 The Manager of the election must fix the opening day and closing day for nominations for office.

31.2 The closing day must be at least 28 days after notice is given under Rule 33.

31.3 Nominations open at midday on the opening day and close at midday on the closing day.

32. Starting and finishing days of ballot

32.1 If a ballot becomes necessary under Rule 36, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

32.2 The start day must not be before the closing day for nominations for the offices to be filled at the election.

33. Calling for nominations

33.1 The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(a) by post to each member at the address recorded in the members register;

(b) if the Union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the Union Journal or newsletter; or

(c) in a daily newspaper circulating in the area where the Union's members live or work.

33.2 The notice must state:

(a) the opening day for nominations; and

(b) the closing day for nominations; and

(c) that nominations for office:

(i) open at midday on the opening day; and

(ii) close at midday on the closing day; and

(d) who may nominate as a Candidate in the election; and

(e) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(f) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 36; and

(g) that only a person who was a financial member 30 days before the opening time for nominations may Vote in the election; and

(h) that the ballot will be decided by a preferential system of voting.

34. **NOMINATION PROCEDURE**

34.1 A nomination for office must be written, signed by the nominee, otherwise comply with these Rules and be given to the Manager of the election before nominations close.

34.2 A person may nominate for more than 1 office.

34.3 The Manager must accept a nomination if:

(a) it complies with Sub-rule 34.1; and

(b) the nominee is an eligible member and is otherwise entitled pursuant to these Rules to nominate; and

(c) the nominators are entitled pursuant to these Rules to nominate the nominee; and

(d) these Rules, in so far as they expressly provide in relation to the nomination process, are complied with.

34.4 A Candidate may withdraw the Candidate's nomination by written notice given to the Manager no later than 7 days after nominations close.

35. What happens if a nomination is defective

35.1 The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

35.2 If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager must:

(a) reject it; and

(b) give the nominee notice of the defect; and

(c) if practicable, give the nominee an opportunity to remedy the defect.

35.3 If practicable, the notice must be given before nominations close.

35.4 Failure to give the notice does not invalidate the election.

36. When a ballot must be held

If there are more Candidates for election to an office than the number to be elected, the Manager must conduct a secret postal ballot under Part 4 of the Election Procedure Rules.

37. Election without ballot

37.1 The Manager of the election must declare a Candidate elected to an office if:

(a) nominations have closed; and

(b) the Candidate does not hold another office; and

(c) the Candidate has:

(i) not nominated for a higher office; or

(ii) nominated for a higher office and is not elected to the higher office; and

(d) if the election is for President or Secretary—the Candidate is the only Candidate; or

(e) if the election is for another type of office—the number of Candidates for the office is not more than the number of offices of the same type to be elected at the same time.

PART 4—CONDUCTING BALLOTS

Division 1—General

38. **ROLL—PREPARATION**

38.1 A roll for a ballot must be prepared at the direction of the Manager of the election.

38.2 The Manager must ensure the roll:

(a) states:

(i) the name of each person who is an eligible member of the Union in alphabetical order; and

(ii) each eligible member's address, opposite their name; and

(iii) the Industry Sub-group to which they are allocated pursuant to these Rules; and

(b) is completed when nominations for the election close.

38.3 The Union must give the Manager:

(a) a copy of its members register; and

(b) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

39. **ROLL—INSPECTION**

39.1 The Manager of the election must make the roll for the election available for inspection:

(a) in the period that:

(i) starts on the day after the roll must be completed under Rule 38; and

(ii) ends 30 days after the result of the election is declared; and

(b) at the Manager's office when it is open for business.

39.2 A Candidate, member or a person authorised by the Manager may inspect the roll, free of charge.

39.3. If, during the period stated in Rule 39.1, a Candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

40. **WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE**

40.1 Despite Rule 38.2, if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

40.2 If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

40.3 An eligible member is only able to vote in such ballots as is permitted pursuant to these Rules.

Division 2—Voting material

41. **BALLOT PAPERS**

41.1 A ballot paper for the election must:

(a) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager; and

(b) be of paper that will hide a vote marked on it from view when it is folded once; and

(c) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(d) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names; and

(e) state how the Voter may vote; and

(f) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and

(g) state that the Voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.

41.2 The order of names on the ballot paper must be decided by lot.

41.3 If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

Example—

The occupation of each Candidate may be added to the ballot paper.

42. **DISTRIBUTING VOTING MATERIAL**

42.1 The Manager of the election must post the following things (the "voting material") to each Voter:

(a) a ballot paper initialled by the Manager;

(b) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(c) a ballot envelope and a voting declaration;

(d) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

42.2 Voting material must be posted to each Voter:

(a) in a sealed envelope to the Voter's address on the roll; and

(b) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

42.3 The voting declaration must state 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.'

42.4 If a Voter gives the Manager a notice that the Voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

42.5 Before posting voting material to a Voter, the Manager must mark a ballot number for each Voter on:

(a) the roll against the Voter's name; and

(b) the declaration form.

(c) The Manager must give each Voter a different ballot number.

(d) The ballot numbers must start with a number chosen by the Manager.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.

43. **MANAGER MUST KEEP A BALLOT BOX**

43.1 The Manager must get a ballot box and:

(a) keep the box in a safe place; and

(b) seal the box in a way that:

(i) allows voting material to be put in it until the ballot finishes; and

(ii) prevents voting material from being taken from it until votes for the ballot are to be counted.

44. **DUPLICATE VOTING MATERIAL**

44.1 This Rule applies if voting material posted to a Voter:

(a) has not been received by the Voter; or

(b) has been lost or destroyed; or

(c) if the document is a ballot paper—has been spoilt.

44.2 The Voter may apply to the Manager of the election for a duplicate ofthe document.

44.3 The application must:

(a) be received by the Manager on or before the finish day of the ballot; and

(b) state the grounds on which it is made; and

(c) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(d) state that the Voter has not voted at the ballot; and

(e) if the document is a spoilt ballot paper be accompanied by the ballot paper.

44.4 If the application complies with Sub-rule 44.3, the Manager must:

(a) if the document is a spoilt ballot paper:

(i) mark 'spoilt' on the paper; and

(ii) initial the paper beside that marking and keep the paper; and

(iii) give a fresh ballot paper to the Voter; or

(b) otherwise—give a duplicate of the document to the Voter.

Division 3—Voting

45. **HOW LONG BALLOT IS OPEN**

45.1 A ballot must remain open for:

(a) at least 21 days; and

(b) no longer than 49 days.

46. **HOW TO VOTE**

46.1 A Voter may vote only by completing the following steps:

(a) completing a ballot paper by:

(i) writing a number in order of preference in the square opposite the name of the Candidates the Voter may vote for under Rule 47; and

(ii) complying with the instructions on the paper about how to vote;

(b) putting the ballot paper in a ballot envelope;

(c) sealing the ballot envelope;

(d) filling in and signing the voting declaration for the ballot paper;

(e) putting the voting declaration and the ballot envelope in the return envelope;

(f) sealing the return envelope;

(g) complying with any direction given under Rule 42.1(d);

(h) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

47. **HOW MANY VOTES MAY BE CAST**

47.1 A Voter shall express a preference for each candidate for which the voter is entitled to vote.

Division 4—Counting and scrutiny of votes

48. **HOW MANAGER MUST DEAL WITH VOTING MATERIAL**

48.1 The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

48.2 If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(a) keep the envelope sealed; and

(b) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and

(c) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

49. **SCRUTINEERS—APPOINTMENT**

49.1 A Candidate may:

(a) act personally as a scrutineer; or

(b) appoint another person (an "appointee") as a scrutineer for the Candidate.

49.2 An appointment must be in writing and signed by the Candidate.

49.3 A Candidate must notify the Manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

49.4 The Manager may refuse to allow an appointee to act as a scrutineer if:

(a) the Manager asks to inspect the appointment as a scrutineer; and

(b) the appointee does not produce it.

50. **SCRUTINEERS' RIGHTS**

50.1 Subject to Rule 51, a scrutineer may be present when:

(a) ballot papers or other voting material for a ballot are prepared and given to Voters; and

(b) voting material is received and put in safe custody under Rule 48; and

(c) votes are counted.

51. **SCRUTINEERS—NUMBERS ATTENDING**

51.1 Each Candidate may have only 1 scrutineer exercising a right under Rule 50 for each official present where the ballot is being conducted.

51.2 In Rule 51.1:

"official" means:

(a) if the ballot is being conducted by the electoral commission—an electoral officer; or

(b) if the ballot is not being conducted by the electoral commission:

(i) the Manager of the election; or

(ii) any other person appointed by the Manager to exercise the Manager's powers for the election.

52. **INITIAL SCRUTINY OF VOTING MATERIAL**

52.1 As soon as possible after the ballot finishes, the Manager of the ballot must:

(a) seal the ballot box in a way that prevents voting material from being put in it; and

(b) take the ballot box to the place where votes are to be counted.

52.2 The Manager must then:

(a) unseal the ballot box; and

(b) take out the return envelopes; and

(c) open each return envelope and take out the ballot envelope and the voting declaration; and

(d) examine the declaration and mark off the Voter's name on the roll; and

(e) check the ballot number on the declaration against the ballot number marked against the Voter's name on the roll; and

(f) ensure the declaration is signed.

52.3 After complying with Sub-rule 52.2, the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied:

(a) each declaration is signed; and

(b) the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the roll.

52.4 However, the Manager must not put a ballot envelope or declaration in the containers mentioned in Sub-rule 52.3 if:

(a) the Manager reasonably believes the Voter to whom it was sent did not sign the declaration; or

(b) the person named on the declaration is not the person to whom it was sent.

52.5 Sub-rule 52.4 does not apply if the Manager is satisfied the person who filled in and signed the declaration:

(a) is a Voter; and

(b) has not previously voted in the ballot; and

(c) has a reasonable explanation for using someone else's ballot material.

52.6 The Manager must keep ballot envelopes and declarations excluded under Sub-rule (d) separate from other ballot envelopes and declarations.

52.7 A declaration is valid only if:

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(a) it complies with Sub-rule 52.3(a) and (b); and

(b) Rule 52.4 does not apply.

52.8 A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager.

52.9 If a declaration is accepted as valid by the Manager the Manager must:

(a) note the acceptance of validity on the declaration; and

(b) record the correct ballot number on the roll against the name of the Voter who signed the declaration.

52.10 After separating the ballot envelopes and declarations, the Manager must, in the following order:

(a) seal the container holding declarations;

(b) open the ballot envelopes not excluded under Sub-rule 52.4 and take out the ballot papers;

(c) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under Sub-rule 53.2(e)';

(d) put all of the ballot papers in the ballot box.

53. COUNTING VOTES

53.1 To count votes the Manager of the election must:

(a) admit the formal votes and reject the informal votes; and

(b) count the formal votes; and

(c) count the informal votes.

53.2 A vote is informal only if:

(a) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic; or

(b) the ballot paper is marked in a way that allows the Voter to be identified; or

(c) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or

(d) the ballot paper does not comply with a direction given under Rule 42.1(d); or

(e) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

54. SCRUTINEERS' OBJECTIONS

54.1 Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

54.2 When votes are counted, a scrutineer may:

(a) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(b) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

54.3 If a scrutineer advises the Manager under Sub-rule 54.1 or 54.2(b), the Manager must:

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(a) decide whether the error has been made; and

(b) if appropriate—direct action to correct or mitigate the error.

54.4 If a scrutineer objects under Sub-rule 54.2(a), the Manager must:

(a) decide whether the ballot paper is to be admitted or rejected; and

(b) note the decision on the ballot paper and initial the note.

55. Direction by Manager to leave count

55.1 The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(a) does not have the right to be present at the count; or

(b) interrupts the count, other than to exercise a scrutineer's right.

Division 5—Election result

56. **HOW RESULT IS DECIDED**

56.1 The method of deciding the result of a ballot is by a preferential system.

56.2 The manager shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate;

(i) the manager shall count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager shall:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate shall again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected;

(C) where there is a multiple office then the count shall continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons shall be declared elected.

(b) This rule is subject to rules 57 and 58.

57. **WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL**

57.1 If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

57.2 A decision under Rule 57.1 must be made in the presence of any scrutineer who wishes to attend.

58. **WHAT HAPPENS IF MULTIPLE NOMINEE ELECTED**

58.1 If a Candidate is elected to an office, other than as a trustee, and the Candidate is also elected to a higher office, the Manager of the election may only declare the Candidate elected to the higher office.

59 **ELECTIONS FROM MANAGEMENT COMMITTEE**

59.1 The State Vice-President, 1 member of the Executive and the Trustees shall be elected by a Collegiate Electoral System.

59.2 The Electoral College shall in relation to the above offices be the State Management Committee.

59.3 The outgoing State Secretary shall appoint, in accordance with the Act, a manager of the election (for the purposes of this Rule "the Manager"), and the Manager shall be subject to the provisions of the Election Procedure Rules.

59.4 The Manager shall call for nominations from among members of the Electoral College subject to these Rules, by written notice to each member.

59.5 Nominations shall be in writing, signed by the candidate and seconded in accordance with these Rules and shall be delivered to the Manager prior to the commencement of the first meeting of the State Management Committee next following the election of members of the Electoral College (for the purposes of this Rule "the Meeting").

59.6 If the Manager finds that a nomination is defective, the Manager shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

59.7 The Manager shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the meeting.

59.8 If at the close of nominations, only the required number of nominations have been received for the offices, the Manager shall declare such candidates as elected.

59.9 If there are more than the required number of candidates for either office, the Manager shall conduct at the meeting an election by secret ballot of the members of the Electoral College by means of a preferential system of voting as defined in the election procedures, which election procedures shall apply to the count.

59.10 Any candidates may appoint a scrutineer, and the provision of the Election Procedure Rules in relation to scrutineers shall apply.

59.11 The Manager shall arrange for the preparation of ballot papers on which the candidates names shall appear in alphabetical order.

59.12 The Manager shall initial and hand to each member of the Electoral College a ballot paper. Each member of the Electoral College shall cast a vote by completing the ballot paper striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager at the meeting.

59.13 Any member who will not be present at the meeting at which the ballot is to be held may:

(a) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager shall not declare the result of the ballot until such member has been given reasonable opportunity to vote; or
(b) appoint another member of the Electoral College to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.

59.14 The candidate or candidates securing the highest number of votes shall be declared elected.

59.15 The Manager shall declare the result in writing to the Electoral College as soon as the count is completed.

59.16 The candidate or candidates elected shall take office upon the declaration by the Manager of the result of the election and each shall hold office until their successors are elected.

60. **CASUAL VACANCIES**

60.1 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled by the State Management Committee unless the Rules otherwise provide.

60.2 Should a casual vacancy occur in any of the Offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy shall be filled by election in accordance with this Rule with any necessary modification.

61 EXEMPTION FROM ELECTION

61.1 For the purposes of this rule:

a) "Counterpart Federal Body" shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.
b) The "CFMEU" shall mean the Construction, Forestry, Mining and Energy Union registered pursuant to the *Workplace Relations Act 1996.*

61.2 The State Secretary shall ensure that as far as is practicable that the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Union, then such extension shall be for a period of less than 12 months.

61.3 To the extent that the term of office for the officers of the state Union requires to be extended so as to permit the application for exemption to be made, as provided for by this rule, that extension shall be deemed to have been made.

61.4 Whilst the CFMEU is a counterpart federal body to the Union, the State Management Committee may at any time prior to the day prescribed under Regulation 53 of the Industrial Organisation Regulations direct the State Secretary to make application for exemption from holding an election of the Union.

61.5 The State Management Committee may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the CFMEU as a counterpart federal body.

61.6 Should the State Management Committee direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to Rule 28 of these rules shall not be held provided that:-

a) the application for exemption shall be made within 21 days of the declaration of the election for the counterpart federal body;
b) the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;
c) in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these rules.

61.7 That for the purposes of an application for exemption the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:-

The CFMEU	The Union
Qld Construction Workers Divisional Branch Secretary	State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers) Qld Construction Workers Divisional Branch Assistant Secretary (Painters) Qld Construction Workers Divisional Branch Assistant Secretary (General)	State Assistant Secretary (Plasterers) State Assistant Secretary (Painters) State Assistant Secretary (General)
Qld Construction Workers Divisional Branch President	Qld State President
Qld Construction Workers Divisional Branch Vice-President	State Vice-President
Qld Construction Workers Divisional Branch Management Committee Member (South East Queensland)	State Management Committee Member (South East Queensland)
Qld Construction Workers Divisional Branch Management Committee Member (Regional Queensland)	State Management Committee Member (Regional Queensland)
Qld Construction Workers Divisional Branch	State Management Committee Member (North

Management Committee Member (North Queensland)	Queensland)
Honorary President of the Qld, NT and WA District of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	Qld State Management Committee Member (Sub Rule 2.5)
Qld Construction Workers Divisional Branch Organisers	Qld State Organisers
Member of the Divisional Branch Executive	Member of the State Executive

62. **RETURNING OFFICER AND SCRUTINEERS**

62.1 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 Union or a Sub-Branch, to conduct ballots, pursuant to the Industrial Relations Act 1999 as it may be amended from time to time including the quadrennial ballot. The State Management Committee shall appoint only 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.

62.2 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.

62.3 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.

63. **DELEGATES' MEETING**

Whenever it is necessary to obtain the opinion of members in any district with 500 members and upwards, it may be done by special summoned meetings of the Sub-Branches in such district, delegates to such specially summonsed meetings 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 27.

64. **STATE DELEGATES CONVENTION:**

64.1 The State Management Committee shall convene at regular intervals of not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegates 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.

64.2 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.

64.3 A member nominating as a delegate to the State Delegates Convention must be financial in accordance with these Rules at the time nominations are called.

64.4 Items for the agenda of the State Delegates Convention shall be called for at least three months before the Convention assembles, and be in the hands of delegates to the Convention at least seven days before the Convention commences.

64.5 The State Delegates Convention may recommend to the State Management Committee proposals for Rule and policy changes.

65. **ELECTION OF DELEGATES**

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

66. **SUB-BRANCHES**

66.1 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.

66.2 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 State Management Committee. Each Sub-Branch shall elect Officers and with the consent of the State Management Committee generally control its own business in accordance with the Rules of the Union.

66.3 In no case shall any Sub-Branch close or disband without the authority of the State Management Committee in which case all funds or other assets and property shall be handed over to the State Management Committee.

66.4 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.

66.5 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.

66.6 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 Rule 9 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.

66.7 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 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.

66.8 Interpretation of Rules

Should any Rules of the Union 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.

66.9 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.

66.10 Correspondence Confidential

All communications or copies of correspondence from the State Management Committee shall remain the property of the Union 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 State Management Committee.

66.11 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 State Management Committee.

66.12 Sub-Branch Officers

Sub-Branches shall, in accordance with these Rules, 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.

66.13 Neglect of Duties

Any member neglecting the duties for which the member is elected shall, unless a satisfactory apology is furnished, be fined by their Sub-Branch or the State Management Committee any amount not exceeding ten dollars ($10).

66.14 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.

66.15 Audit

The books of each Sub-Branch shall be sent each half-year to the Union Office for audit in accordance with Rule 71 in a manner similar to audit of Union finances.

66.16 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.

66.17 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.

66.18 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.

66.19 Notice of Meetings

(a) The Sub-branch Committee shall meet at least 2 times per year and on such other times as its members may determine. The Sub-branch Secretary shall upon the request of the Sub-branch President, or any 2 members of the Sub-branch Committee summon a meeting of the Sub-branch Committee.

(b) The Sub-branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Sub-branch Committee.

(c) Notwithstanding anything hereinbefore contained, where the Sub-branch President or the Sub-branch Secretary consider that a matter requires urgent attention, a meeting of the Sub-branch Committee may be called by the Sub-branch President or the Sub-branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Sub-branch Committee are able to communicate with each other without being physically present.

(d) All other meetings of the Sub-branch shall be called by the Sub-branch Secretary giving 14 days written notice to the members of the Sub-branch at their addresses on the Register of Members.

66.20 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.

66.21 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 State Management Committee when requested to do so by the State Secretary under these 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 Union Rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

66.22 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 Union 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 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.

(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 State 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 Union 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 Union Secretary shall forthwith notify all Sub-Branch members thereof. The Sub-Branch Secretary shall supply all details to the Union 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 Union for conduct of the business of the Sub-Branch.

66.23 Suspended Members

Members who owe one year's arrears of contributions shall be suspended. The State 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.

66.24 Clearances and Transfers

(a) The Sub-Branch Secretary shall accept all clearances (that are permitted) from other Unions or from 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 10.2 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 Union Office.

66.25 Pay Benefits

The Sub-Branch Secretary shall pay all benefits according to Rule 27 and may be made to refund all expenditure that is made contrary to the provisions of these Rules.

66.26 Resignation or Removal

(a) In the event of resigning the Office of Sub-Branch Secretary, 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 State 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 State 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 66.13.

66.27 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.

66.28 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.

66.29 Sub-Branch Finances

(a) The funds of each Sub-Branch shall be banked as provided in these 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 these Rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

66.30 Sub-Branch Committee

In every Sub-Branch there shall be a committee elected in accordance with Sub-rule 66.12 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 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 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.

66.31 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.

66.32 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 or the Sub-Branch 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.

66.33 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.

66.34 Election of Sub-Branch Officers

The election for Sub-Branch Officers shall be held in March of the year following the State Management Committee elections and shall be conducted in the manner provided for in the Election Procedures Rules with all changes as may be necessary or appropriate.

66.35 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 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 Sub-rule 66.35 or a direction given under paragraph (b) of Sub-rule 66.35, 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 where the plebiscite is held following a request pursuant to paragraph (a) of Sub-rule 66.35 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 the Returning Officers 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 (h) 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.

67. **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 to the Divisional Management Committee, 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.

68. **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 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 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.

69. **SHOP STEWARDS**

69.1 For the convenience of members, shop or job stewards may be appointed by Sub-Branches within the area under their control.

69.2 Should any shop or job steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties for the Union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss the Shop or Job Steward may incur.

70. **APPRENTICES**

70.1 An apprentice making application to join the Union shall pay dues for the remaining period of their indenture at the rate equivalent to the entrance fee for the Union per half-year. No additional entrance fee shall be payable by apprentices.

70.2 Thereafter, upon completion of apprenticeship the apprentice shall transfer to full membership and payment of full Union dues, levies, etc. as determined from time to time by the State Management Committee.

71. **AUDIT OF ACCOUNTS**

71.1 The Auditor who shall hold the qualification required for a competent person under the Act shall be appointed by the State Executive in accordance with the provisions of the Act and shall be paid such fees as the State Executive may from time to time determine.

71.2 The Auditor shall audit the books and financial statements of the State Executive at the end of each financial year and at such other times as the State Executive shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the State 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 Union funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.

71.3 The Auditor shall furnish a written statement that all accounts and statements certified to are in accordance with law and these Rules, or, if unable to certify to the correctness of any of them, report forthwith to the State Executive in which respect they are incorrect.

71.4 The Auditor shall have power to place before the State Executive any suggestions concerning the financial affairs of the Union.

71.5 In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the State Executive shall appoint an Auditor qualified as aforesaid as a replacement.

71.6 The accounts of Sub-Branches shall be audited half-yearly in the manner provided in Sub-rule 66.15.

71.7 The financial year of the Union shall be the period ending 31st of December.

72. **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 Union Office for audit.

73. **DONATIONS/LOANS**

73.1 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of these Rules.

73.2 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 State Management Committee. It may be used for such payments assisting the Unions trade or any other trade.

73.3 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.

73.4 Requests for donations for purposes 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.

73.5 No member who has been less than 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 disentitled.

73.6 Notwithstanding anything contained elsewhere in these Rules a loan, grant or donation of any amount exceeding $1,000.00 shall not be made by the Union, unless the State Executive has satisfied itself:-

(a) that the making of the loan, grant or donation would be in accordance with the other 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.

74. **INTERPRETATION OF RULES**

The State Management Committee shall interpret all Rules of the Union requiring interpretation.

75. **AFFILIATION**

The State 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 Union voting. Such affiliation shall not interfere with the personal rights of the member's political code.

76. **DISPUTES WITH MANAGEMENT**

In the event of a dispute arising, no official of the Union shall interview the management with whom the Union is in dispute unless accompanied by at least one member actively concerned in the dispute.

77. **ALTERATION OF RULES**

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77.1 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 7 days notice to alter Union Rules has been given by the State Executive to the State Management Committee.

77.2 Provided that the State Management Committee may alter Union Rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.

77.3 Provided further that alterations to Union 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.

78. DISSOLUTION

Whenever the number of members in this Union is reduced to 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.

79. BALLOTS/PLEBISCITES - CONTROL BY MEMBERS

79.1 (a) The State Secretary shall, on receipt of a request in writing signed by 10 per cent of the financial members of the Union direct the conduct of a plebiscite of the financial members of the Union on a matter concerning the Union.

(b) The State Management Committee or State Executive may direct the conduct of the plebiscite of the financial members of the Union on a matter concerning the Union.

(c) A plebiscite shall be conducted by secret ballot by a Returning Officer in accordance with Sub-rule 79.2 and shall be completed, in the case of a plebiscite under paragraph (a) within 2 months of the receipt by the State 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 State Management Committee or State 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 Union voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the State Management Committee or State Executive shall, so far as is practicable, implement the decision of the plebiscite.

79.2 (a) Where a request is received under paragraph (a) of Sub-rule 79.1 or a direction given under paragraph (b) of Sub-rule 79.1, the State 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 State Management Committee or the State Executive and (where the plebiscite is held following a request pursuant to paragraph (a) of Sub-rule 79.1), 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 Union, 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.

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(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 State 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.

79.3 Provided that nothing contained in this Rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.

80. **COMMON SEAL AND MODE OF EXECUTION OF DOCUMENTS**

80.1 The Union shall have a common seal which shall be kept in the custody of the State Secretary and shall be affixed to documents requiring sealing only when authorised by resolution of the State Management Committee.

80.2 Any document to which the seal is affixed shall be signed by 2 members of the State Management Committee one of whom shall be the State President.

80.3 Industrial agreements and other documents may be executed by or on behalf of the Union by affixing the seal of the Union thereto.

80.4 Documents not required to be under seal of the Union may be executed on behalf of the Union by the State Secretary and any such document so executed shall be and be deemed to be executed on behalf of the Union and with its authority.

81. **STANDING ORDERS AND RULES OF DEBATE**

81.1 Call to Speak - the first speaker who attracts the attention of the President shall have precedence in speaking.

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

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

81.4 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.

81.5 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.

81.6 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.

81.7 Speak only once - except in explanation, no member, other than the mover, shall speak more than once on the same motion.

81.8 Time Limit - no member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

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

81.10 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.

81.11 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.

81.12 Limit to Debate - should any question have occupied the attention of the meeting for 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.

81.13 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.

81.14 Motion to Adjourn - no motion for the adjournment of the meeting shall be received while there is business before the President.

81.15 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.".

81.16 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".

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

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

81.19 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.

82 Transition

82.1 For the purposes of this Rule, the following words have the meaning assigned:

(a) “Amendment Day” shall mean the day on which the Registrar registers the amendment to Rules proposed by the State Management Committee at its meeting on 17 November 2008.

(b) “Old Rules” means the rules as they are on the day immediately preceding amendment day; and

(c) “New Rules” means the rules as they are on and from the amendment day.

82.2 For the purposes of this Rule and “application for exemption” means an application made by the Union, in accordance with these Rules, for exemption from election.

82.3 The offices of the Union on the day prior to amendment day shall be the offices of the Union up to and including midnight on 1 January 2009.

82.4 The offices of the State Management Committee on the day prior to amendment day shall be the offices of the State Management Committee up to and including midnight on 1 January 2009.

82.5 The offices of the State Executive on the day prior to amendment day shall be the offices of the State Executive up to and including midnight on 1 January 2009.

82.6 Subject to an office being maintained by the New Rules, the officers of the Union who held office on the day prior to amendment day shall continue to hold those offices up to and including the day on which officers elected pursuant to these Rules take office following their election at elections to occur in 2008 provided that where an application for exemption is made then the officers holding office on the day prior to amendment day shall continue to hold office, subject to these Rules, up to and including the day on which officers take office as a result of the application for exemption.

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82.7 Despite the amendment of the rules on amendment day, the Old Rules shall continue to apply up to midnight on 1 January 2009, provided that this Rule shall apply immediately upon amendment day.

82.8 Despite the amendment of the rules on amendment day the New Rules shall not apply until 2 January 2009, provided that this Rule shall apply immediately upon amendment day.

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INDUS REGISTRAR
QUEENSLAND

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 619
Industrial Relations Regulation 2011, regulation 62

(Matter No. RAO/2012/10)

APPLICATION FOR AN AMALGAMATION BALLOT FOR THE PROPOSED AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND, THE FEDERATED ENGINE DRIVERS' AND FIREMENS' ASSOCIATION OF QUEENSLAND, UNION OF EMPLOYEES AND THE QUEENSLAND COLLIERY EMPLOYEES UNION OF EMPLOYEES

TO: The Industrial Registrar, Industrial Registry, Level 13, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8850 Fax: (07) 3221 6074

TAKE NOTICE that we Michael Ravbar, Tim Whyte and Stephen Smyth being respectively the State Secretary of the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (the "CFMEUQ"), 16 Campbell Street, Bowen Hills in the state of Queensland, the Secretary of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ"), Level 2, 61 Bowen Street, Spring Hill in the state of Queensland and the State President of the Queensland Colliery Employees Union of Employees ("QCEUE"), Level 2, 61 Bowen Street, Spring Hill in the State of Queensland APPLY to the Commission for:

1. to submit a proposed amalgamation to ballot;

2. attached to this application are:

   a) the resolutions of the management committees of CFMEUQ, FEDFAQ and the QCEUE which approve the making of the application to submit a proposed amalgamation to ballot (exhibits "CFMEUQ1", "CFMEUQ2" and "CFMEUQ3");

   b) a copy of the scheme for the proposed amalgamation (exhibit "CFMEUQ4");

   c) a written scheme outline (exhibit "CFMEUQ5");

   d) a pro rata (exhibit "CFMEUQ6");

   e) a copy of the proposed rules of the amalgamated industrial organisation (exhibit "CFMEUQ7");

   f) an affidavit of Michael Ravbar, State Secretary and member of the management committee of the CFMEUQ stating that *Industrial Relations Regulation 2000* (Qld), regulation 62(5)(b) has been complied with (exhibit "CFMEUQ8");

   g) an affidavit of Tim Whyte, Secretary and member of the management committee of the FEDFAQ stating that *Industrial Relations Regulation 2000* (Qld), regulation 62(5)(b) has been complied with (exhibit "CFMEUQ9");

   h) an affidavit of Stephen Smyth, President and member of the management committee of the QCEUE stating that *Industrial Relations Regulation 2000* (Qld), regulation 62(5)(b) has been complied with (exhibit "CFMEUQ10");

3. We apply for directions as to the conduct of this application in relation to the following matters:

a) parties

b) publication

c) nature of hearing

d) place and time of hearing

4. We are fully authorised to make this application

5. The CFMEUQ is authorised to receive on the applicants' behalf service of documents for this application

Michael Ravbar
State Secretary
Construction, Forestry, Mining and Energy,
Industrial Union of Employees, Queensland

Date: 27/9/12

Tim White
Secretary
Federated Engine Drivers' and Firemens'
Association of Queensland, Union of Employees

Date: 27/9/12

Stephen Smyth
President
Queensland Colliery Employees Union of Employees

Date: 27/9/12

I, Michael Rayner solemnly and sincerely affirm and declare as follows.

1. I am the State Secretary of the Construction, Forestry, Mining and Energy, Industrial Union of Employers, Queensland (the "CFMEUQ").

2. Pursuant to rule 19 of the CFMEUQ's rules the State Management Committee of the CFMEUQ is the management committee of the CFMEUQ (the "State Management Committee") within the meaning of the *Industrial Relations Act 1999* (Qld) (the "Act").

3. Pursuant to rule 19 of the rules of the CFMEUQ, I am a member of the CFMEUQ State Management Committee.

4. On 28 March 2012 the State Management Committee resolved that:

   1. *That the Construction, Forestry, Mining & Energy, Industrial Union of Employers, Queensland ("CFMEUQ") amalgamate with the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employers ("FEDFAQ") and the Queensland Colliery Employers' Union of Employers ("QCEUE").*

   2. *That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.*

   3. *That the FEDFAQ and the QCEUE be deregistered in the proposed amalgamation.*

   4. *To authorise the Secretary to:*

      a) *make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");*

      b) *meet the legal requirements;*

      c) *make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ and FEDFAQ and the QCEUE have amalgamated;*

      d) *subject to resolution 5 make application for a community of interest declaration;*

      e) *provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;*

      f) *give other notices as may be required by the Act or the rules; and*

      g) *make other applications, either as the CFMEUQ or jointly with the FEDFAQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation.*

   5. *That:*

      a) *the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employers, Queensland be retained as the name of the proposed amalgamated industrial organisation;*

Michael Rayner

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

b) the CFMEUQ amend its eligibility rule to include the present eligibility rules of the FEDFAQ and the QCEUE;

c) the CFMEUQ amend its registered callings to include the present registered callings of the FEDFAQ and the QCEUE;

d) amendments be made to the rules of the CFMEUQ as are necessary to provide for divisions representing all members of the proposed amalgamated industrial organisation;

e) amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, delegates, life members and associate members into the proposed amalgamated industrial organisation; and

f) amendments be made to the rules of the CFMEUQ as are necessary to comply with the Industrial Relations Act 1999 (Qld);

6. That the proposed set of rules of the CFMEUQ which reflect the proposed amalgamation, and which are annexed hereto as Attachment 1, be adopted as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 2, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE.

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 3, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE.

9. That if a community of interest is determined to exist between the members of the CFMEUQ and the members of the FEDFAQ and the QCEUE that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment 4 in support of the proposed amalgamation be adopted.

11. That the State Management Committee of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the FEDFAQ and the QCEUE.

12. That, if as a consequence of applications or rule changes made pursuant to these resolutions that the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or rule change does not comply with the Act and/or any other law, then the Secretary is authorised to amend the applications or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ and FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the arrangements with any of the CFMEUQ or the FEDFAQ and the QCEUE.

Michael Ravbar

Taken by
Justice of the Peace/Commissioner
for Declarations

13. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation

5. I annex hereto and mark with the letters "CFMEUQ1" a copy of that resolution.

6. In the week commencing 29 October 2012, the CFMEUQ caused to be forwarded to its members, free of charge, a journal "Construction Worker".

7. The following notice appeared in this edition of the Construction Worker:

'CFMEUQ

Notice to Members

The State Management Committee of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") has resolved:

1. to amalgamate with the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE"); and

2. she is the counterpart federal body of the CFMEUQ having already amalgamated with the counterpart federal body of the FEDFAQ and QCEUE, to make application to the Queensland Industrial Relations Commission for exemption from holding an amalgamation ballot.

In accordance with the provisions of the Industrial Relations Regulations, I am directed by the State Management Committee to give notice to each member:

a that the State Management Committee of the CFMEUQ made the following resolution:

"The State Management Committee resolves:

1. That the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") amalgamate with the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE")

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the FEDFAQ and the QCEUE be deregistered on the proposed amalgamation.

4. To authorise the Secretary to:

a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

b) meet the legal requirements.

c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ and FEDFAQ and the QCEUE have amalgamated.

d) subject to resolution 3 make application for a community of interest declaration;

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

f) give other notices as may be required by the Act or the rules, and

g) make other applications, either to the CFMEUQ or jointly with the FEDFAQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation

Michael Barber

Taken by
Officer of the Commissioner
for Declarations/Lawyer

3. That,

a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be retained as the name of the proposed amalgamated industrial organisation;

b) the CFMEUQ amend its eligibility rule to include the present eligibility rules of the FEDFAQ and the QCEUE;

c) the CFMEUQ amend its registered callings to include the present registered callings of the FEDFAQ and the QCEUE;

amendments be made to the rules of the CFMEUQ as are necessary to provide for divisions representing all members of the proposed amalgamated industrial organisation;

amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, delegates, life members and reservist members into the proposed amalgamated industrial organisation; and

amendments be made to the rules of the CFMEUQ as are necessary to comply with the Industrial Relations Act 1999 (Qld).

4. That the proposed set of rules of the CFMEUQ which reflect the proposed amalgamation and which are annexed hereto as Attachment 5 be adopted as the proposed rules of the proposed amalgamated industrial organisation.

5. That the Scheme of Amalgamation, which is annexed hereto as Attachment 6, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE.

6. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 7 be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE.

7. That if a community of interest is determined to exist between the members of the CFMEUQ and the members of the FEDFAQ and the QCEUE that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

8. That the 'Yes' statement annexed hereto as Attachment 8 in support of the proposed amalgamation be adopted.

9. That the State Management Committee of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the FEDFAQ and the QCEUE.

10. That if as a consequence of applications or rule change made pursuant to these resolutions that the QIRC refuses to adopt and/or ratify such applications or rule changes on the ground that the application and/or rule change does not comply with the Act and/or any other law, then the Secretary is authorised to amend the application or rule change, as she may see fit, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the terms and spirit of these resolutions.

11. That the employees of the CFMEUQ and FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

12. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service they had with any of the CFMEUQ or the FEDFAQ and the QCEUE.

13. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation.

on 28 March 2012, and

Michael Keyser

Taken by
Notice of the Public Commissioner
for Queensland Judges

b) that a member of the CFMEUQ may object in accordance with section 75 of the Industrial Relations Regulation 2011 to the making of the application for exemption from making an amalgamation ballot on the ground that the exemption would detrimentally affect the member's interests; and

c) a notice of objection must be filed in the Registry within 28 days of the notice of application of the proposed amalgamation of the CFMEUQ, FEDFAQ and the QCEUE being given in a newspaper circulating throughout the State; and

d) the notice of objection must state, in accordance with section 77 of the Industrial Relations Regulation 2011:

i) the objector's name and address; and

ii) the grounds of the objection; and

iii) particulars of the grounds; and

e) if filing a notice of objection in the Registry, the member must also serve a copy of the notice on the applicants within 7 days of it being filed.

Michael Rawlor

State Secretary

CFMEUQ"

8. I annexe hereto and mark with the letter "CFMEUQ11" a copy of that notice as it appeared in the *Construction Worker*.

9. I am informed by Tim Whyte, and believe, that:

a) he is the Secretary of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees (the "FEDFAQ");

b) the Management Committee is, pursuant to rule 23 of the rules of the FEDFAQ the management committee of the FEDFAQ within the meaning of the Act);

c) as the Secretary of the FEDFAQ and pursuant to rule 22 of the QCEUE rules he is a member of the Management Committee of the FEDFAQ;

d) on 4 September 2012 the Management Committee of the FEDFAQ resolved that:

"The Management Committee resolves:

1. *That the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE").*

2. *That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.*

3. *That the FEDFAQ and the QCEUE be deregistered on the proposed amalgamation.*

4. *To authorise the Secretary to:*

a) *make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC").*

b) *meet the legal requirements.*

Michael Rawlor

Taken by
[illegible]
Queensland Lawyer

c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ, the FEDFAQ and the QCEUE have amalgamated;

d) subject to resolution 9 make application for a community of interest declaration;

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

f) give other notices as may be required by the Act or the rules; and

g) make other applications to the QIRC or jointly with the CFMEUQ and the QCEUE as the Secretary considers are necessary and appropriate to effect amalgamation

5. That:

a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

b) the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the FEDFAQ;

c) the registered calling of the proposed amalgamated organisation include the present registered callings of the FEDFAQ;

d) the rules of the proposed amalgamated organisation provide for divisions representing all members of the proposed amalgamated industrial organisation;

e) the rules of the proposed amalgamated organisation provide for transition of members, officers, delegates, life members and associate members of the FEDFAQ into the proposed amalgamated industrial organisation; and

f) the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act")

6. That the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as ANNEXURE 9, be adopted by the FEDFAQ as the proposed rules of the proposed amalgamated industrial organisation

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 10, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE

8. That the Orders of the Scheme of Amalgamation, which is annexed hereto as Attachment 11, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE

9 That if a community of interest is determined to exist between the members of the FEDFAQ and/or the members of the CFMEUQ and/or the members of the QCEUE then the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment 12 in support of the proposed amalgamation be adopted by the FEDFAQ as the 'Yes' Statement of the FEDFAQ.

11. That the Management Committee of the FEDFAQ, being the Committee of Management of the FEDFAQ, resolve that the FEDFAQ use its financial and other resources in support of the proposed amalgamation with the CFMEUQ and the QCEUE

12 That, if as a consequence of applications or rule changes proposed to be made pursuant to these resolutions, the QIRC refuses to adopt and/or ratify such applications or rule changes or the proposed New the applications and/or the rule changes do not comply with the Act and/or any other law, then the Secretary is authorised to amend the respective applications or rule changes, as the case may be, to comply with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions

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Michael Barlow

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

13. That the employees of the CFMEUQ, the FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the date amalgamation is effected

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees the service that they will have had with any of the CFMEUQ, the FEDFAQ or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation."

e) I annexe hereto and mark with the letters "CFMEUQ2" a copy of that resolution;

f) in the week commencing 13 November 2012 the FEDFAQ caused to be forwarded to its members of the Queensland Coal, Metalliferous and Energy Division, free of charge, the journal Courage Cover;

g) the following notice appeared in this edition of the Courage Cover referred to in paragraph 9(f) of this affidavit

FEDFAQ

Notice to Members

The Management Committee of the Federated Engine Drivers' and Firemen's Association of Queensland Union of Employees ("FEDFAQ") has resolved:

1. to amalgamate with the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE"); and

2. due to the counterpart federal body of the FEDFAQ having already amalgamated with the counterpart federal body of the CFMEUQ and QCEUE, to make application to the Queensland Industrial Relations Commission for exemption from holding an amalgamation ballot

In accordance with the provisions of the Industrial Relations Regulations, I am directed by the Management Committee to give notice to each member:

a. that the Management Committee of the FEDFAQ made the following resolution:

'The Management Committee resolves:

1 That the Federated Engine Drivers' and Firemen's Association of Queensland, Union of Employees ("FEDFAQ") amalgamate with the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE").

2 That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the FEDFAQ and the QCEUE be deregistered in the proposed amalgamation.

4. To authorise the Secretary to:

a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

b) meet the legal requirements;

c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ, the FEDFAQ and the QCEUE have amalgamated;

Michael Rayner

Taken by

Solicitor or Barrister

d) subject to resolution 9 make application for a community of interest declaration.

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot.

f) give other notices as may be required by the Act or the rules; and

g) make other applications, either to the FEDFAQ or jointly with the CFMEUQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation.

3. That:

a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

b) the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the FEDFAQ;

c) the registered calling of the proposed amalgamated organisation include the present registered callings of the FEDFAQ;

d) the rules of the proposed amalgamated organisation provide for divisions representing all members of the peripheral amalgamated industrial organisations;

e) the rules of the proposed amalgamated organisation provide for transition of members, officers, delegates, life members and associate members of the FEDFAQ into the proposed amalgamated industrial organisation; and

f) the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act").

4. That the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as Attachment 13, be adopted by the FEDFAQ as the proposed rules of the proposed amalgamated industrial organisation.

5. That the Scheme of Amalgamation, which is annexed hereto as Attachment 14, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

6. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 15, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

7. That if a community of interest is determined to exist between the members of the FEDFAQ and/or the members of the CFMEUQ and/or the members of the QCEUE then the Secretary seek application for a community of interest declaration in relation to the proposed amalgamation.

8. That the 'Yes' statement annexed hereto as Attachment 16 in support of the proposed amalgamation be adopted by the FEDFAQ as the 'Yes' Statement of the FEDFAQ.

9. That the Management Committee of the FEDFAQ, being the Committee of Management of the FEDFAQ resolves that the FEDFAQ use its financial and other resources in support of the proposed amalgamation with the CFMEUQ and the QCEUE.

10. That, if as a consequence of application or rule changes proposed to be made pursuant to these applications and/or the rule changes do not comply with the Act and/or any other law, then the Secretary is authorised to amend the respective applications or rule changes, as the case may be, to conform with the requirements of the Act, provided that such amendments do not substantially depart from the terms and intent of these resolutions.

11. That the employees of the CFMEUQ, the FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

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Michael Barker

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ, the FEDFAQ or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation."

on 4 September 2012; and

b. that a member of the FEDFAQ may object in accordance with section 75 of the Industrial Relations Regulation 2011 to the making of the application for exemption from holding an amalgamation ballot on the ground that the proposed amalgamation will detrimentally affect the members' interests; and

c. a notice of objection must be filed in the Registry within 28 days of the notice of application of the proposed amalgamation of the CFMEUQ, FEDFAQ and the QCEUE being given in a newspaper circulating throughout the State; and

d. the notice of objection must state, in accordance with section 77 of the Industrial Relations Regulation 2011:

i) the objector's name and address; and

ii) the grounds of the objection; and

iii) particulars of the grounds; and

e) if filing a notice of objection in the Registry, the member must also serve a copy of the notice on the applicants within 7 days of it being filed

Tim White

Secretary

FEDFAQ"

h) I annexe hereto and mark with the letters "CFMEUQ12" a copy of that notice as it appeared in the Common Cause.

i) In the week commencing 29 October 2012, the FEDFAQ caused to be forwarded to its members of the Construction and General Division, free of charge, the journal *Construction Worker*;

j) the following notice appeared in this edition of the *Construction Worker* referred to in paragraph 9(i) of this Affidavit:

"FEDFAQ

Notice to Members

The Management Committee of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employers ("FEDFAQ") has resolved:

1. to amalgamate with the Construction, Forestry, Mining & Energy Industrial Union of Employers, Queensland ("CFMEUQ") and the Queensland Colliery Employers' Union of Employers ("QCEUE"); and

2. due to the construction industry body of the FEDFAQ having already amalgamated with the counterpart federal body of the CFMEUQ and QCEUE, to make application to the Queensland Industrial Relations Commission for exemption from holding an amalgamation ballot

In accordance with the provisions of the Industrial Relations Regulations, I am directed by the Management Committee to give notice to each member:

a. that the Management Committee of the FEDFAQ made the following resolution.

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Mikael Rarbau

Taken by:
Justice of the Peace/Commissioner
for Declarations/Lawyer

The Management Committee resolves:

1. That the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE").

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the FEDFAQ and the QCEUE be deregistered on the proposed amalgamation.

4. To authorise the Secretary to,

a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

b) settle the legal requirements;

c) make application for exemption from ballot on the basis that the federal counterpart ballot of the CFMEUQ, the FEDFAQ and the QCEUE have amalgamated;

d) subject to resolution 5 make application for a certificate of interest declaration;

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

f) give other notices as may be required by the Act or the rules; and

g) make other applications, either as the FEDFAQ or jointly with the CFMEUQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation.

5. That,

a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

b) the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the FEDFAQ;

c) the registered callings of the proposed amalgamated organisation include the present registered callings of the FEDFAQ;

d) the rules of the proposed amalgamated organisation provide for divisions representing all members of the proposed amalgamated industrial organisation;

e) the rules of the proposed amalgamated organisation provide for transition of members, officers, delegates, life members and associate members of the FEDFAQ into the proposed amalgamated industrial organisation; and

f) the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act").

6. That the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as Attachment 12, be adopted by the FEDFAQ as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 13, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 14, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

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Michael Barker

Taken by
Solicitor and Commissioner
for Declarations/Lawyer

9. That if a community of interest is determined to exist between the members of the FEDFAQ and/or the members of the CFMEUQ and/or the members of the QCEUE then the Secretary defer application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment 10 in support of the proposed amalgamation be adopted by the FEDFAQ as the 'Yes' Statement of the FEDFAQ.

11. That the Management Committee of the FEDFAQ, being the Committee of Management of the FEDFAQ, resolves that the FEDFAQ use its financial and other resources in support of the proposed amalgamation with the CFMEUQ and the QCEUE.

12. That, if as a consequence of applications or rule changes proposed to be made pursuant to these applications and/or the rule changes do not comply with the Act and/or any other law, then the Secretary is authorised to amend the respective applications or rule changes, as the case may be, to conform with the requirements of the Act, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ, the FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise as redundancy employees, the service that they will have had with any of the CFMEUQ, the FEDFAQ or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation."

on 6 September 2012; and

k. that a member of the FEDFAQ may object in accordance with section 75 of the Industrial Relations Regulation 2011 to the making of the application for exemption from holding an amalgamation ballot on the ground that the exemption would detrimentally affect the member's interests; and

l. a notice of objection must be filed in the Registry within 28 days of the notice of application of the proposed amalgamation of the CFMEUQ, FEDFAQ and the QCEUE being given in a newspaper circulating throughout the State; and

m. the notice of objection must state, in accordance with section 77 of the Industrial Relations Regulation 2011:

i) the objector's name and address; and

ii) the grounds of the objection; and

iii) particulars of the grounds; and

n) if filing a notice of objection in the Registry, the member must also serve a copy of the notice on the applicants within 7 days of it being filed

Tim Wyatt

Secretary

FEDFAQ"

k) I annexe hereto and mark with the letter "CFMEUQ13" a copy of that notice as it appeared in the Construction Worker

l0. I am informed by Stephen Smyth, and believe, that:

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Michael Ravbar

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

a) he is the President of the QCEUE;

b) the State Board of Management is, pursuant to rule 21 of the rules of the QCEUE the management committee of the QCEUE within the meaning of the Act;

c) as the President of the QCEUE and pursuant to rule 17 of the QCEUE rules he is a member of the State Board of Management of the QCEUE;

d) on 26 July 2013 the State Board of Management of the QCEUE resolved that:

The State Board of Management resolves:

1. *That the Queensland Colliery Employees' Union of Employees ("QCEUE") amalgamate with the Federated Engine Drivers' and Firemen's Association of Queensland, Union of Employees ("FEDFAQ") and the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ").*

2. *That the CFMEUQ be the basis industrial organisation for the purposes of the amalgamation.*

3. *That the QCEUE be deregistered on the proposed amalgamation.*

4 *To authorise the State President to:*

a)make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

b)meet the legal requirements:

i)make application for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ, the FEDFAQ and the QCEUE have amalgamated;

ii)subject to resolution 5 make application for a community of interest declaration;

c)provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

d) give other notices as may be required by the Act or the rules; and

e)make other applications, either as the QCEUE or jointly with the FEDFAQ and the CFMEUQ, as the State President considers are necessary and appropriate to effect amalgamation.

5 *That,*

a)the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

b)the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the QCEUE;

c)the registered callings of the proposed amalgamated organisation include the present registered callings of the QCEUE;

d)the rules of the proposed amalgamated organisation provide for divisions representing all members of the proposed amalgamated industrial organisation.

e) the rules of the proposed amalgamated organisation provide for transition of members, officers, delegates, life members and associate members of the QCEUE into the proposed amalgamated industrial organisation. and

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Michael Barber

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

if the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act");

5. That the rules of the proposed amalgamated organisation which reflect the proposed amalgamation annexed hereto as Attachment B1, be adopted by the QCEUE as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment B2, be adopted by the QCEUE as the scheme for the proposed amalgamation with the FEDFAQ and the CFMEUQ.

8. That the structure of consultation of amalgamation scheme is annexed hereto as Attachment B3, be adopted by the QCEUE as the scheme for the proposed amalgamation with the FEDFAQ and the CFMEUQ.

9. That if a community of interest is determined to exist between the members of the QCEUE and/or the members of the FEDFAQ and/or the members of the CFMEUQ that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment B4 in support of the proposed amalgamation be adopted by the QCEUE as the 'Yes' statement of the QCEUE.

11. That the State Council of Management of the QCEUE, being the Committee of Management of the QCEUE, resolves that the QCEUE use its financial and other resources in support of the proposed amalgamation with the FEDFAQ and the CFMEUQ.

12. That, if as a consequence of applications or rule changes pursuant to these resolutions, the QIRC refuses to adopt and/or ratify such applications or rule changes on the ground that the applications and/or the rule changes do not comply with the Act and/or any other law, then the State President is authorised to amend the respective applications or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ, the FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ, the FEDFAQ or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation.

e) I annexe hereto and mark with the letters "CFMEUQ" a copy of that resolution;

f) in the week commencing 12 November 2012, the QCEUE caused to be forwarded to its members, free of charge, the journal Common Cause;

g) the following notice appeared in the edition of the Common Cause referred to in paragraph f) of this affidavit:

"QCEUE
Notice to Members

The State Council of Management of the Queensland Colliery Employees' Union of Employees ("QCEUE") has resolved

1. to amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") and the Federated Engine Drivers and Firemen's Association of Queensland Union of Employees ("FEDFAQ"); and

Michael Revie

Taken by
[redacted]
for Deponent's Lawyer

1 due to the counterpart federal body of the QCEUE having already amalgamated with the counterpart federal body of the CFMEUQ and FEDFAQ, to make application to the Queensland Industrial Relations Commission for exemption from holding an amalgamation ballot

In accordance with the provision of the Industrial Relations Regulations, I am directed by the State Board of Management to give notice to each member

a) that the State Board of Management of the QCEUE made the following resolution.

"The State Board of Management resolves:

1. That the Queensland Colliery Employees' Union of Employees ("QCEUE") amalgamate with the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Construction, Forestry, Mining & Energy, Industrial Union of Employees Queensland ("CFMEUQ")

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation

3. That the QCEUE be deregistered on the proposed amalgamation

4 To authorise the State President to:

a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

b) meet the legal requirements;

c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ, the FEDFAQ and the QCEUE have amalgamated

d) subject to resolution 5 make application for a community of interest declaration;

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

f) give other notices as may be required by the Act or the rules; and

g) make other applications, either the QCEUE or jointly with the FEDFAQ and the CFMEUQ, as the State President considers are necessary and appropriate to effect amalgamation.

5 That

a) the name, the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation

b) the eligibility rule of the proposed amalgamated organisation extends the present eligibility rules of the QCEUE,

c) the registered calling of the proposed amalgamated organisation include the present registered calling of the QCEUE,

d) the rules of the proposed amalgamated organisation provide for divisions representing all members of the proposed amalgamated industrial organisation;

e) the rules of the proposed amalgamated organisation provide for transition of members, officers, delegates, life members and associate members of the QCEUE into the proposed amalgamated industrial organisation; and

f) the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act").

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Michael Barbaro

Taken by
Witness to the Declaration
A Declaration Lawyer

6 That the rules of the proposed amalgamated organisation which reflect the proposed amalgamation (annexed hereto as Attachment 35, be adopted by the QCEUE as the rules for the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 36, be adopted by the QCEUE as the scheme for the proposed amalgamation with the FEDFAQ and the CFMEUQ.

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 37 be adopted by the QCEUE as the scheme for the proposed amalgamation with the FEDFAQ and the CFMEUQ.

9. That if a community of interest is determined to exist between the members of the QCEUE and/or the members of the FEDFAQ and/or the members of the CFMEUQ that the Secretary settle applications for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment 38 in support of the proposed amalgamation be adopted by the QCEUE as the 'Yes' statement of the QCEUE.

11. That the State Board of Management of the QCEUE, being the Committee of Management of the QCEUE, resolves that the QCEUE use its financial and other resources in support of the proposed amalgamation with the FEDFAQ and the CFMEUQ.

12. That, if as a consequence of applications or rule changes proposed to be made pursuant to these resolutions, the QIRC refuses to adopt and/or notify such applications or rule changes on the ground that the application and/or the rule changes do not comply with the Act and/or any other law, then the State President is authorised to amend the respective applications or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ, the FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ, the FEDFAQ or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation."

on 26 July 2012; and

b) that a member of the QCEUE may object in accordance with section 75 of the Industrial Relations Regulation 2011 to the making of the application for exemption from holding an amalgamation ballot on the ground that the exemption would detrimentally affect the member's interests; and

c) a notice of objection may be filed in the Registry within 28 days of the notice of application of the proposed amalgamation of the CFMEUQ, FEDFAQ and the QCEUE being given in a newspaper circulating throughout the State; and

d) the notice of objection must state, in accordance with section 77 of the Industrial Relations Regulation 2011

i) the objector's name and address; and

ii) the grounds of the objection; and

iii) particulars of the grounds; and

Michael Barbur

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Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

of if filing a notice of objection in the Registry, the member must also serve a copy of the notice on the applicants within 7 days of it being filed.

Stephen Smyth
State President
QCEUE"

h) I annex hereto and mark with the letters "CFMEUQJ6" a copy of that notice as it appeared in the Courier Mail.

11. The CFMEUQ, and I am respectively informed by Mr Whyte and Mr Smyth and believe, the FEDFAQ and the QCEUE have resolved inter alia:

a) to amalgamate each with the other in accordance with the Act;

b) that the proposed amalgamating industrial organisation have the same name as the CFMEUQ currently has;

c) that the CFMEUQ be the "host" and the FEDFAQ and the QCEUE be deregistered;

d) that the eligibility of the CFMEUQ be altered to include the eligibility of the FEDFAQ and the QCEUE in such a way as to ensure the eligibility of the proposed amalgamated industrial organisation is not expanded beyond the eligibility of the CFMEUQ, FEDFAQ and QCEUE;

e) that the registered callings of the FEDFAQ and QCEUE be added to the registered callings of the CFMEUQ;

f) that the assets and liabilities of the FEDFAQ and QCEUE be transferred to the CFMEUQ;

g) that financial members of the FEDFAQ and QCEUE become financial members of the CFMEUQ without any extra cost to them or loss of rights; and

h) that the CFMEUQ receive on behalf of the CFMEUQ, FEDFAQ and QCEUE service of documents.

12. A copy of the scheme of amalgamation adopted by the CFMEUQ, and I am informed by Mr Whyte and Mr Smyth and believe by respectively the FEDFAQ and QCEUE, is attached to the application in relation to which this affidavit is made as "CFMEUQJ4".

13. The scheme of amalgamation addresses those matters which are required to be addressed by the *Industrial Relations Regulation 2017* (the "Regulations"), regulation 58, namely:

a) that the general nature of the amalgamation is set out;

b) that the parties to the amalgamation are the CFMEUQ, FEDFAQ and the QCEUE;

c) that the CFMEUQ, an existing organisation, is the proposed amalgamated organisation;

d) that the FEDFAQ is proposed to be deregistered;

e) that the QCEUE is proposed to be deregistered;

Michael Barbaro

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

f) that all the members of the FEDFAQ and QCEUE are on the day the Commission determines to be amalgamation day ("Amalgamation Day") to become members of the CFMEUQ without payment of an entrance fee;

g) that it is not proposed to alter the name of the CFMEUQ;

h) that it is proposed to amend the eligibility of the CFMEUQ by adding the eligibility of the FEDFAQ and the eligibility of the QCEUE so as to permit into enrolment persons other than those who could have been enrolled by the CFMEUQ, the FEDFAQ or the QCEUE on the day immediately preceding Amalgamation Day;

i) what the arrangements on, and from, Amalgamation Day in relation to the property of the FEDFAQ and the property of the QCEUE will be;

j) what the arrangements on and from, Amalgamation Day in relation to the liabilities of the FEDFAQ and the QCEUE will be.

14. The scheme provides for other matters, in accordance with regulation 58 of the Regulations.

15. There is no alternative scheme of amalgamation.

16. A copy of the scheme outline adopted by the CFMEUQ, and I am informed by Mr Whyte and Mr Smyth and I believe by respectively the FEDFAQ and the CFMEUQ, is attached to the application in relation to which this Affidavit is made as "CFMEUQ5".

17. The scheme outline contains 3128 words, which is more than 3000 words, and the approval of the Commission of the scheme outline with these additional words is sought by the Applicants in accordance with Regulation 61(1)

18. The scheme outline does not contain things other than words and no approval is required to be sought pursuant to Regulation 61(2)

19 A yes case adopted by the CFMEUQ, and I am informed by Mr Whyte and Mr Smythe and believe respectively by the FEDFAQ and QCEUE, has been filed in the registry and is attached to the application in relation to which this affidavit is made as CFMEUQ6.

20 The yes case filed in the registry is less than 2000 words

21 The yes case includes things other than words and the Applicants seek the Commission's approval for those inclusions.

22. A copy of the proposed rules, which reflect the proposed amalgamation and which have been adopted by the CFMEUQ, and I am informed by Mr Whyte and Mr Smyth and believe respectively by the FEDFAQ and the QCEUE, is attached to the application in relation to which this affidavit is made as CFMEUQ7.

23. The proposed rules make provision for those matters which the Act requires provision be made for

Michael Barker

Taken by
Solicitor or Barrister Commissioner
for Affidavits/Lawyer

24. The proposed rules provide for the 'transition' of the FEDFAQ and QCEUE members into the proposed amalgamated industrial organisation.

25. I have attached marked, respectively as CFMEUQ8, CFMEUQ9 and CFMEUQ10 an affidavit of myself, an affidavit of Mr Whyte and an affidavit of Mr Smyth attesting that regulation 62(5)(b) of the Regulations has been complied with.

26. I am fully authorised to make this application.

27. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

AFFIRMED by Michael Rayner at BRISBANE on [redacted] November 2012

Before me [redacted]
Name:
Justice of the peace/commissioner for declarations/solicitor

PARTICULAR OF THE APPLICANT	
Name:	Michael Kayber
Title of office:	State Secretary
Organisation:	Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Residential or business address:	16 Campbell Street BOWEN HILLS QLD 4006
Applicant's address for service:	Hall Payne Lawyers Ground Floor, 29 Peel Street SOUTH BRISBANE QLD 4101
Applicant's phone number or contact phone number:	(07) 3231-4600
Applicant's fax number: *(if any)*	(07) 3231-4699
IF APPLICANT HAS A LAWYER	
Applicant's lawyer's name:	John Payne
and firm name:	Hall Payne Lawyers
Lawyer's business address:	Locked Bag 2013 SOUTH BRISBANE QLD 4101
Address for service:	Hall Payne Lawyers Ground Floor, 29 Peel Street SOUTH BRISBANE QLD 4101
Phone:	07 3017 2440
Fax:	07 3017 2499
E-mail address:	general@hallpayne.com.au

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQJ" mentioned in the affidavit of Michael Ravbar affirmed before me on this 27 day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

CFMEUQ Resolutions

The State Management Committee resolves:

1. That the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") amalgamate with the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE").

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the FEDFAQ and the QCEUE be deregistered in the proposed amalgamation.

4. To authorise the Secretary to:

   a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

   b) meet the legal requirements;

   c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ and FEDFAQ and the QCEUE have amalgamated;

   d) subject to resolution 9 make application for a community of interest declaration;

   e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

   f) give other notices as may be required by the Act or the rules; and

   g) make other applications, either as the CFMEUQ or jointly with the FEDFAQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation.

5. That:

   a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be retained as the name of the proposed amalgamated industrial organization;

   b) the CFMEUQ amend its eligibility rule to include the present eligibility rules of the FEDFAQ and the QCEUE;

   c) the CFMEUQ amend its registered callings to include the present registered callings of the FEDFAQ and the QCEUE;

   d) amendments be made to the rules of the CFMEUQ as are necessary to provide for divisions representing all members of the proposed amalgamated industrial organisation;

   e) amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, delegates, life members and associate members into the proposed amalgamated industrial organisation; and

   f) amendments be made to the rules of the CFMEUQ as are necessary to comply with the *Industrial Relations Act 1999* (Qld);

6. That the proposed set of rules of the CFMEUQ which reflect the proposed amalgamation, and which are annexed hereto as Attachment 1, be adopted as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 2, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 3, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE.

9 That if a community of interest is determined to exist between the members of the CFMEUQ and the members of the FEDFAQ and the QCEUE that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment 4 in support of the proposed amalgamation be adopted

11. That the State Management Committee of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the FEDFAQ and the QCEUE

12 That, if as a consequence of application or rule change made pursuant to these resolutions that the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or rule change does not comply with the Act and/or any other law, then the Secretary is authorised to amend the application or rule change, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions

13. That the employees of the CFMEUQ and FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service they had with any of the CFMEUQ or the FEDFAQ and the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation.

Michael Xavier
State Secretary
Construction, Forestry, Mining and Energy,
Industrial Union of Employees, Queensland

Date: 7 / 4 / 12

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ2" mentioned in the affidavit of Michael Ravbar affirmed before me on this day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

FEDFAC Resolutions

The Management Committee resolves:

1. That the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAC") amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE").

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the FEDFAC and the QCEUE be deregistered in the proposed amalgamation.

4. To authorise the Secretary to:

   a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC").

   b) meet the legal requirements;

   c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ, the FEDFAC and the QCEUE have amalgamated;

   d) subject to resolution 5 make application for a community of interest declaration;

   e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

   f) give other notices as may be required by the Act or the rules; and

   g) make other applications, either as the FEDFAC or jointly with the CFMEUQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation.

5. That:

   a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

   b) the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the FEDFAC;

   c) the registered callings of the proposed amalgamated organisation include the present registered callings of the FEDFAC;

   d) the rules of the proposed amalgamated organisation provide for divisions representing all members of the proposed amalgamated industrial organisation;

   e) the rules of the proposed amalgamated organisation provide for transition of members, officers, delegates, life members and associate members of the FEDFAC into the proposed amalgamated industrial organisation; and

   f) the rules of the proposed amalgamated organisation are to comply with the *Industrial Relations Act 1999* (Qld) ("the Act").

6. That the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as Attachment 7, be adopted by the FEDFAQ as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 8, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 9, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

9. That if a community of interest is determined to exist between the members of the FEDFAQ and/or the members of the CFMEUQ and/or the members of the QCEUE that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation

10. That the 'Yes' statement annexed hereto as Attachment 4 in support of the proposed amalgamation be adopted by the FEDFAQ as the 'Yes' Statement of the FEDFAQ.

11. That the Management Committee of the FEDFAQ, being the Committee of Management of the FEDFAQ, resolves that the FEDFAQ use its financial and other resources in support of the proposed amalgamation with the CFMEUQ and the QCEUE.

12. That, if as a consequence of applications or rule changes proposed to be made pursuant to these resolutions, the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or the rule changes do not comply with the Act and/or any other law, then the Secretary is authorised to amend the respective application or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ, the FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ, the FEDFAQ or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation.

Tim Wyatt
Secretary
Federated Engine Drivers' and Firemens'
Association of Queensland, Union of Employees

Date:

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ9" mentioned in the affidavit of Michael Ravbar affirmed before me on this 21st day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

QCEUE Resolutions

The State Board of Management resolves:

1. That the Queensland Colliery Employees' Union of Employees ("QCEUE") amalgamate with the Federated Engine Drivers' and Firemans' Association of Queensland, Union of Employees ("FEDFAC") and the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ").

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the QCEUE be deregistered in the proposed amalgamation.

4. To authorise the State President to:

   a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

   b) meet the legal requirements;

   c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ, the FEDFAC and the QCEUE have amalgamated;

   d) subject to resolution 9 make application for a community of interest declaration;

   e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

   f) give other notices as may be required by the Act or the rules; and

   g) make other applications, either as the QCEUE or jointly with the FEDFAC and the CFMEUQ, as the State President considers are necessary and appropriate to effect amalgamation.

5. That:

   a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

   b) the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the QCEUE;

   c) the registered callings of the proposed amalgamated organisation include the present registered callings of the QCEUE;

   d) the rules of the proposed amalgamated organisation provide for divisions representing all members of the proposed amalgamated industrial organisation;

   e) the rules of the proposed amalgamated organisation provide for transition of members, officers, delegates, life members and associate members of the QCEUE into the proposed amalgamated industrial organisation; and

   f) the rules of the proposed amalgamated organisation are to comply with the *Industrial Relations Act 1999* (Qld) ("the Act").

6. That the rules of the proposed amalgamated organisation which reflect the proposed amalgamation, annexed hereto as Attachment 5, be adopted by the QCEUE as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 6, be adopted by the QCEUE as the scheme for the proposed amalgamation with the FEDFAO and the CFMEUQ.

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 7, be adopted by the QCEUE as the scheme for the proposed amalgamation with the FEDFAO and the CFMEUQ.

9. That if a community of interest is determined to exist between the members of the QCEUE and/or the members of the FEDFAO and/or the members of the CFMEUQ that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment 8 in support of the proposed amalgamation be adopted by the QCEUE as the 'Yes' statement of the QCEUE

11 That the State Board of Management of the QCEUE, being the Committee of Management of the QCEUE, resolves that the QCEUE use its financial and other resources in support of the proposed amalgamation with the FEDFAO and the CFMEUQ.

12. That, if as a consequence of applications or rule changes proposed to be made pursuant to these resolutions, the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or the rule changes do not comply with the Act and/or any other law, then the State President is authorised to amend the respective application or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ, the FEDFAO and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ, the FEDFAO or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAO and the QCEUE service of documents in connection with the proposed amalgamation.

Stephen Smith
State President
Queensland Colliery Employees Union of Employees

Date: 21/11/2004

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMBUQ4" mentioned in the affidavit of Michael Ravbar affirmed before me on this day of November 2012.



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Justice of the Peace/Commissioner for Declarations/Lawyer

ATTACHMENT 2

SCHEME OF AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND, THE FEDERATED ENGINE DRIVERS' AND FIREMENS' ASSOCIATION OF QUEENSLAND, UNION OF EMPLOYEES AND THE QUEENSLAND COLLIERY EMPLOYEES' UNION OF EMPLOYEES

1. The proposed amalgamation is an amalgamation between, and the applicants to the amalgamation are, the:

   a) Construction, Forestry, Mining & Energy Union, Industrial Union of Employees, Queensland ("CFMEUQ");

   b) Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ"); and

   c) Queensland Colliery Employees' Union of Employees ("QCEUE").

2. The counterpart federal body of the CFMEUQ is the Construction, Forestry, Mining and Energy Union ("CFMEU");

3. The counterpart federal body of the FEDFAQ is the CFMEU.

4. The counterpart federal body of the QCEUE is the CFMEU.

5. The purpose of the amalgamation is to reflect the amalgamations of organisations, registered in the commonwealth jurisdiction, to form the CFMEU, insofar as those amalgamations are relevant to the CFMEUQ, the FEDFAQ and the QCEUE.

6. The CFMEUQ is the proposed amalgamated industrial organisation.

7. The proposed deregistering industrial organisations will be the:

   a) FEDFAQ, and

   b) QCEUE.

8. The CFMEUQ is authorised to receive on behalf of the applicants, service of documents in connection with the proposed amalgamation.

9. It is proposed that the proposed amalgamated industrial organisation will be named the Construction, Forestry, Mining & Energy Union, Industrial Union of Employees, Queensland.

10. All members of the FEDFAQ are to become, on the date prescribed by the Queensland Industrial Relations Commission as the day of amalgamation for the CFMEUQ, the FEDFAQ and the QCEUE ("amalgamation day"), without payment of an entrance fee, members of the proposed amalgamated industrial organisation.

11. All honorary/life members of the FEDFAQ are to become, on amalgamation day, without payment of an entrance fee, life members of the proposed amalgamated industrial organisation.

12 All retired members of the FEDFAQ are to become, on amalgamation day, without payment of an entrance fee, retired members of the proposed amalgamated industrial organisation.

13. The funds and property of the FEDFAQ will become those of the proposed amalgamated industrial organisation.

14. The liabilities of the FEDFAQ will become those of the proposed amalgamated industrial organisation.

15. All members of the QCEUE are to become, on amalgamation day, without payment of an entrance fee, members of the proposed amalgamated industrial organisation.

16. All retired members of the QCEUE are to become, on amalgamation day, without payment of an entrance fee, retired members of the proposed amalgamated industrial organisation.

17. The funds and property of the QCEUE will become those of the proposed amalgamated industrial organisation.

18 The liabilities of the QCEUE will become those of the proposed amalgamated industrial organisation.

19. The management of the funds, property and liabilities of the proposed amalgamated industrial organisation will be conducted in accordance with the rules of the proposed amalgamated industrial organisation.

20. The proposed amalgamation does not have the effect of extending the eligibility rules of the proposed amalgamated industrial organisation beyond those of the applicants

21. It is proposed to alter the eligibility rules of the CFMEUQ by adding the eligibility rule of the FEDFAQ and the QCEUE to the existing eligibility rule of the CFMEUQ. The alteration will not result in any extension to the eligibility rules of the CFMEUQ, the FEDFAQ or the QCEUE.

22. The proposed amalgamation does not have the effect of extending the registered callings of the proposed amalgamated industrial organisation beyond those of the applicants

23. It is proposed to alter the registered callings of the CFMEUQ by adding the registered callings of the FEDFAQ and the QCEUE to the existing registered callings of the CFMEUQ. This alteration will not result in any extension to the registered callings of the CFMEUQ, the FEDFAQ or the QCEUE.

24. The constitution of the CFMEUQ will be included in the rules of the proposed amalgamated industrial organisation.

25. The constitution of the FEDFAQ will be included in the rules of the proposed amalgamated industrial organisation.

26. The constitution of the QCEUE will be included in the rules of the proposed amalgamated industrial organisation.

27. The rules of the proposed amalgamated industrial organisation will provide for:

a) the deletion in their entirety of the current rules of the CFMEUQ to provide for rules in accordance with the *Industrial Relations Act 1999* (Qld);

b) a divisional structure comprising of two divisions, the:

i) Construction and General Division; and

ii) Mining, Energy and Ports District;

c) providing for sub-divisional structures in both divisions;

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d) providing for the:

- objects;
- transition of:
  - officers;
  - members;
  - honorary/life members;
  - retired members; and
  - workplace representatives;
- rights, and obligations, of:
  - members;
  - honorary/life members;
  - retired members; and
  - workplace representatives;
- allocation of members, honorary/life members, retired members, and workplace representatives to divisions;
- allocation of members to sub-divisions in the divisions;
- autonomy of the divisions;
- structure providing for the good government of the proposed amalgamated industrial organisation and its divisions;
- control by the members of the proposed amalgamated industrial organisation, and its divisions;
- election of the officers, and other positions, of the proposed amalgamated industrial organisation and its divisions;

- determination of entrance fees, subscriptions, fees, levies and fines of the proposed amalgamated industrial organisation and its divisions;
- management of the assets of the proposed amalgamated industrial organisation and its divisions;
- management of the liabilities of the proposed amalgamated industrial organisation and its divisions;
- audit of the proposed amalgamated industrial organisation and its divisions;
- appointment of workplace representatives of the proposed amalgamated industrial organisation and its divisions;
- engagement of employees, contractors and agents of the proposed amalgamated industrial organisation and its divisions;
- resolution of disputes between:
  - divisions;
  - sub-divisions; and
  - members;
- resolution of alleged misconduct of members and officers of the proposed amalgamated industrial organisation and its divisions;
- execution of documents by the proposed amalgamated industrial organisation and its divisions;
- notification of industrial disputes by the proposed amalgamated industrial organisation and its divisions;
- taking of action and the issuing of proceedings on behalf of the proposed amalgamated industrial organisation and its divisions;
- affiliations by the proposed amalgamated industrial organisation and its divisions; and

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x amendment of rules;

e) providing for such other amendments and translations as are otherwise referred to in this scheme of amalgamation.

28. There is no alternative scheme of amalgamation.

29. The rules of the proposed amalgamated industrial organisation provide that officers of the CFMEUQ, the FEDFAQ or the QCEUE (an "existing officer"), who are translated into office in the proposed amalgamated industrial organisation, cannot hold office in the proposed amalgamated industrial organisation without an ordinary election for more than the longer of:

a) an existing officer's unexpired term of office on the day immediately preceding amalgamation day, or

b) 2 years from amalgamation day.

30. It is proposed that:

a) all decisions of the QIRC that bind the CFMEUQ, the FEDFAQ or the QCEUE;

b) all awards and agreements of the QIRC binding on the CFMEUQ, the FEDFAQ or the QCEUE; and

c) all pending proceedings in the QIRC or elsewhere in relation to which the CFMEUQ, the FEDFAQ or the QCEUE are parties,

will bind the proposed amalgamated industrial organisation, or the proposed amalgamated industrial organisation will be a party to the pending proceedings, as the case may be.

31. A person ineligible for membership of the CFMEUQ on the day immediately prior to amalgamation day, who was not on the day immediately prior to amalgamation day eligible for membership of the FEDFAQ or the QCEUE, will not be eligible for membership of the proposed amalgamated industrial organisation

32. A person ineligible for membership of the FEDFAQ on the day immediately prior to amalgamation day, who was not on the day immediately prior to

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amalgamation day eligible for membership of the CFMEUQ or the QCEUE, will not be eligible for membership of the proposed amalgamated industrial organisation.

33 A person ineligible for membership of the QCEUE on the day immediately prior to amalgamation day, who was not on the day immediately prior to amalgamation day eligible for membership of the FEDFAQ or the CFMEUQ, will not be eligible for membership of the proposed amalgamated industrial organisation.

34. It is proposed that annual subscription fees for membership of the proposed amalgamated industrial organisation will, for a person mentioned in column A be the amount set out in the correspondence part of column B:

A	B
Member of the CFMEUQ on the day prior to amalgamation day	Level of subscription fees paid by that member on the day prior to amalgamation day
Member of the FEDFAQ attached to the Construction and General Division on the day prior to amalgamation day	Level of subscription fees paid by that member on the day prior to amalgamation day
Members of the FEDFAQ attached to the Queensland Coal, Metalliferous & Energy Division on the day prior to amalgamation day Members of the QCEUE on the day prior to amalgamation	Level of subscription fees paid by that member on the day prior to amalgamation day Level of subscription fees paid by that member on the day prior to amalgamation day

CFMEUQ State President

FEDFAQ President

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CFMEUQ State Secretary

FEDFAC Secretary

QCEUE State President

QCEUE State Secretary

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ5" mentioned in the affidavit of Michael Ravbar affirmed before me on this 7th day of November 2012.



Judge of the Peak/Commissioner for Declarations/Lawyer

ATTACHMENT 3

OUTLINE OF AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND ("CFMEUQ"), FEDERATED ENGINE DRIVERS' AND FIREMENS' ASSOCIATION OF QUEENSLAND, UNION OF EMPLOYEES ("FEDFAQ") AND THE QUEENSLAND COLLIERY EMPLOYEES' UNION OF EMPLOYEES ("QCEUE")

1. Parties to the Amalgamation

   a) The parties to the amalgamation are the existing organisations the Construction, Forestry, Mining & Energy Union, Industrial Union of Employees, Queensland ("CFMEUQ"), the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE").

2. Reasons for Amalgamation

   a) The proposed amalgamation will bring together 3 state registered unions:

      i) whose memberships, employers and industries overlap;

      ii) which have both been active in organising workplaces for workers engaged in the construction, plant operation, mining, energy and ports industries;

      iii) which have a significant history in achieving, and maintaining, rights for workers in industrial workplaces; and

      iv) which have acted jointly in campaigning for the achievement and maintenance of the rights of workers.

   b) The unions proposing to amalgamate are state registered unions, with the federal counterparts having amalgamated in 1992 to form the Construction Forestry Mining and Energy Union ("CFMEU").

   c) The effect of the amalgamations in the Federal industrial jurisdiction is that the amalgamating unions share the same counterpart federal body, the CFMEU.

d) It is now appropriate, due to changes that have occurred in jurisdictions which have a consequent impact on representation, to ensure that the effective representation of the members of the CFMEUQ, FEDFAQ and the QCEUE, is maximised by creating a cohesive structure within the one organisation to represent members. This will also have the effect of removing historical barriers to representation

3. Name of the Amalgamated Industrial Organisation

a) The name of the proposed amalgamated industrial organisation will be the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

4. Host Organisation

a) The host industrial organisation in the proposed amalgamation will be the CFMEUQ and that the FEDFAQ and the QCEUE will be deregistered.

5. Day of Amalgamation

a) The day of amalgamation for the purpose of this outline is "amalgamation day".

6. Members

a) All present members, honorary members, retired members and life members of the CFMEUQ, the FEDFAQ and the QCEUE will become members, honorary members, retired members or life members, as the case may be, of the proposed amalgamated industrial organisation.

7. Financial Status

a) Members' financial status in the new union will be the same as it is in the union to which they presently belong, and they will remain as financial members of the proposed amalgamated industrial organisation for the same period of time as they are presently entitled to remain as financial members of the present unions, the CFMEUQ, the FEDFAQ or the QCEUE, as the case may be.

b) Unfinancial members of the CFMEUQ, FEDFAQ or the QCEUE will also be members of the proposed amalgamated industrial organisation but will

remain as unfinancial members until they become financial pursuant to the rules of the proposed amalgamated industrial organisation, or are removed as unfinancial members from the register of members as provided for in the rules of the proposed amalgamated industrial organisation.

8. Entrance Fee

a) No entrance fee will be charged to members, honorary members, retired members or life members of the CFMEUQ, FEDFAC or the QCEUE to join the proposed amalgamated industrial organisation.

b) Provided that following amalgamation day the Management Committees of the respective Divisions will be able to determine the amount of entrance fees for new entrants in relation to their respective Divisions in accordance with the rules of the respective Divisions of the proposed amalgamated industrial organisation.

9. Subscription Fees

a) Subscription fees for members of the proposed amalgamated industrial organisation will on amalgamation day be charged as follows:

i) the annual subscription fees to be paid by members of the proposed amalgamated industrial organisation subsequent to amalgamation day will be

(1) for members who were members of the CFMEUQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day,

(2) for members who were members of the FEDFAC on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day; and

(3) 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;

a) subscription fees to be paid by entrants to the proposed amalgamated industrial organisation who were not members of the CFMEUQ, the FEDFAQ or the QCEUE on the day prior to amalgamation day:

(1) for new members of the Construction and General Division it will be an amount equivalent to the level of fees paid by members of the CFMEUQ on the day prior to amalgamation day; and

(2) for new members of the Mining, Energy and Ports District it will be an amount equivalent to the level of fees paid by members of the Queensland Coal, Metalliferous & Energy Division of the FEDFAQ on the day prior to amalgamation day

b) Provided that the Management Committees of the respective Divisions will be able to determine the scales of subscription fees in relation to their respective Divisions in accordance with the rules of the respective Divisions of the proposed amalgamated industrial organisation.

10. Levies

a) The proposed industrial organisation and its divisions will on, and from, amalgamation day only be able to raise levies in the manner provided for in the rules of the new union and the divisional rules of the Construction and General Division and of the Mining, Energy and Ports District.

11. Structure of the Amalgamated Industrial Organisation

a) The structure of the proposed amalgamated industrial organisation is comprised of:

i) a state body;

ii) 2 Divisions:

(1) Construction and General Division; and

(2) Mining, Energy and Ports District; and

iii) Sub-Divisions:

(1) in the Construction and General Division – Sub-Branches;

(2) in the Mining, Energy and Ports District – District Lodges

b) The structure provides for the offices of the proposed amalgamated industrial organisation and it is proposed that the present office bearers of the CFMEUQ and the FEDFAQ will be translated into the proposed amalgamated industrial organisation as follows:

i) on Amalgamation by the Management Committee Queensland ("MCQ") which is the body that formally oversees the Union:

State President -

State Vice President -

State Secretary -

State Assistant Secretary -

ii) the Construction and General Division – State Divisional Council

iii) the Construction and General Division – State Divisional Executive;

iv) the Mining, Energy and Ports District – Board of Management;

v) the Mining, Energy and Ports District – District Executive;

c) The effect of these structures and the representation provided is that members of the CFMEUQ, the FEDFAQ and the QCEUE will be represented by persons who have previously represented them in the proposed amalgamated industrial organisation.

d) The structures of the Construction and General Division will represent a truly merged representative structure with geographical representation replacing the trade calling structure previously utilised. This has been proposed in a constructive way to reflect the extent of the representation in Queensland and to ensure a balance between the interest of members throughout the state. This structure will be introduced at the next quadrennial elections of the Construction and General Division of the

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proposed amalgamated industrial organisation. Prior to its introduction representation will be maintained by means of the transitional rule.

e) The structure of the Mining, Energy and Ports District has not altered and reflects the historical representation and democratic structures that have been utilised in the mining, energy and ports industries for well over a century. These structures have been, and remain, effective in the industries concerned.

12. Objects

a) The objects of the proposed amalgamated industrial organisation represent a contemporary expression of the traditional aims of trade and industrial unions.

b) The objects are focussed on improving, by all practicable and lawful means, the:

i) working conditions,

ii) workplaces;

iii) health and safety;

iv) communities; and

v) living conditions,

of members and their families.

c) The objects are both practical and aspirational and define in a very positive way, the future path of the proposed amalgamated industrial organisation.

13. Autonomy

a) The rules provide for 2 autonomous Divisions.

b) The rule providing for the autonomy of the Divisions is designed to ensure that both Divisions, whilst being part of an overarching structure, are significantly able to determine their own direction and policy.

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c) Both Divisions represent a lengthy and proud industrial history of member representation. However, despite significant similarities in that history of representation there are also differences in structure, approach, means of representation and focus. This has occurred for a variety of reasons and underpins the requirement for autonomy.

d) The rules have been designed to protect and maintain this autonomy.

14. Rules

a) The rules of the proposed amalgamated industrial organisation are an entirely new set of rules designed to ensure that they are:

- contemporary;
- directed at achieving maximum efficiency;
- provide for essential administrative flexibility;
- provide appropriate governance; and
- provide for democratic control by the members.

b) The rules of the proposed amalgamated industrial organisation will provide for:

i) Part A, Part B and Part C rules to reflect the State and Divisional structures;

ii) the deletion of the current rules to provide for rules in accordance with the *Industrial Relations Act 1999* (Qld);

iii) providing for a divisional structure;

iv) providing for sub-divisional structures in both proposed divisions;

v) providing for the:

- objects;
- transition of:
  - officers;

- members;
- life members;
- honorary members;
- retired members; and
- workplace representatives;

- rights, and obligations, of:
  - members;
  - life members;
  - honorary members;
  - retired members; and
  - workplace representatives.
- allocation of members to divisions;
- allocation of members to sub-divisions in the proposed divisions;
- autonomy of the proposed divisions;
- structure providing for the good government of the proposed amalgamated industrial organisation and its divisions;
- control by the members of the proposed amalgamated industrial organisation, and its divisions, of the proposed amalgamated industrial organisation and its divisions;
- election of the officers, and other positions, of the proposed amalgamated industrial organisation and its divisions;
- determination of entrance fees, subscriptions, fees, levies and fines of the proposed amalgamated industrial organisation and its divisions;

- management of the assets of the proposed amalgamated industrial organisation and its divisions;
- management of the liabilities of the proposed amalgamated industrial organisation and its divisions;
- audit of the proposed amalgamated industrial organisation and its divisions;
- appointment of workplace delegates of the proposed amalgamated industrial organisation and its divisions;
- engagement of employees, contractors and agents of the proposed amalgamated industrial organisation and its divisions;
- resolution of disputes between:
  - divisions;
  - sub-divisions; and
  - members;
- resolution of alleged misconduct of members and officers of the proposed amalgamated industrial organisation and its divisions.
- execution of documents by the proposed amalgamated industrial organisation and its divisions;
- notification of industrial disputes by the proposed amalgamated industrial organisation and its divisions;
- taking of action and the issuing of proceedings on behalf of the proposed amalgamated industrial organisation and its divisions;
- affiliations by the proposed amalgamated industrial organisation and its divisions;

v. amendment of rules; and

vi) providing for such other amendments as are otherwise referred to in this Scheme of Amalgamation

15. The Divisions

a) It is proposed that 2 Divisions be created and each member of the proposed amalgamated industrial organisation will be allocated to the relevant Division in accordance with the following:

i) Construction and General Division:

(1) all members of the CFMEUQ; and

(2) all members of the Construction and General Division of the FEDFAC;

ii) Mining, Energy and Ports District:

(1) all members of the Queensland Coal, Metalliferous & Energy Division of the FEDFAC; and

(2) all members of the QCEUE.

b) Subsequent to Amalgamation Day it is proposed that the membership of the proposed amalgamated industrial organisation be attributed to the Divisions based on the attachment rule of the proposed amalgamated industrial organisation which reflects the historical callings of the CFMEUQ, the Construction and General Division of the FEDFAC, the Queensland Coal, Metalliferous & Energy Division of the FEDFAC and the QCEUE.

16. Eligibility Rules and Registered Callings

a) The eligibility rules of the FEDFAC and the QCEUE will be inserted into the rules of the proposed amalgamated industrial organisation, which will not have the effect of extending the eligibility rules of the proposed amalgamated industrial organisation, beyond those that presently exist for the CFMEUQ, the FEDFAC and the QCEUE.

b) The registered callings of the FEDFAC and the CCEUE will be inserted into the registered callings of the proposed amalgamated industrial organization, which will not have the effect of extending the registered callings of the proposed amalgamated industrial organisation beyond those that presently exist for the CFMEUC, the FEDFAC and the CCEUE.

17. Transitional Rules

a) It is necessary for transitional rules to be provided which "translate" aspects of the CFMEUC, the FEDFAC and the CCEUE into the proposed amalgamated industrial organisation structure:

i) governance;

ii) models;

iii) representation;

iv) democratic control; and

v) synchronisation of offices/elections.

b) The transition rule provides for translation of:

i) State Executive Officers of the CFMEUC, the FEDFAC and the CCEUE into the new structures;

ii) 2 Divisional structures with the effect that the elected representatives of the Construction and General Division of the FEDFAC will have representation in the Construction and General Division of the proposed amalgamated industrial organisation and the elected representatives of the Mining, Metalliferous, Energy and Ports Division of the FEDFAC will have a representation in the Mining, Energy and Ports District of the proposed amalgamated industrial organisations;

iii) Sub-Divisions and Sub-Divisional structures;

iv) workplace representatives;

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v) members;

vi) honorary members;

vii) retired members;

viii) life members;

ix) financial status of members;

x) property and assets;

xi) liabilities; and

xii) affiliation to state and national organisations;

xiii) for the filling of vacancies caused either casually or by persons not taking up positions on amalgamation day;

xiv) for elections for offices;

xv) for the proposed amalgamated industrial organisation's auditor and for the auditors of the Divisions;

xvi) for policy; and

xvii) for subscription fees,

and such other translations as are otherwise referred to in this outline of the scheme of amalgamation

18. Sub-Divisions

a) It is proposed that the Sub-Divisions of the CFMEUQ, the FEDFAQ and the QCEUE, as the case may be, will be translated into the proposed amalgamated industrial organisation and will continue to operate.

19 Workplace Delegates

a) It is proposed that the workplace delegates of the CFMEUQ, the FEDFAQ and the QCEUE will be translated into the proposed amalgamated industrial organisation.

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b) Workplace delegates will have the same obligations in the proposed amalgamated industrial organisation as they have in the CFMEUQ, the FEDFAQ or the CCEUE.

20. Management

a) The property, assets and liabilities of the CFMEUQ, the FEDFAQ and CCEUE will be translated to the proposed amalgamated industrial organisation and will become the property, assets and liabilities of the proposed amalgamated industrial organisation, provided that the benefit and use of property presently held by the:

i) CFMEUQ will be allocated to the Construction and General Divisional Fund;

ii) Construction and General Division Fund of the FEDFAQ will be allocated to the Construction and General Division Fund;

iii) Queensland Coal, Metalliferous & Energy Division Fund of the FEDFAQ will be allocated to the Mining, Energy and Ports District Fund; and

iv) CCEUE will be allocated to the Mining, Energy and Ports District Fund.

b) The Divisions of the proposed amalgamated industrial organisation will be able to act autonomously in relation to financial matters in so far as its divisions are concerned.

c) The management of the property, assets and liabilities of the proposed amalgamated industrial organisation will be undertaken by the Management Committee Queensland ("MCQ"), together with the Committees of Management of the Divisions, with the respective Committees of Management of the Divisions being responsible for management of the property, assets and liabilities attached to the respective Divisional Funds.

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21. Employees

a) The proposed amalgamated industrial organisation will have the authority under its rules to appoint employees and/or agents as are necessary in the view of the MCO to service the needs of the MCO in performing its obligations pursuant to the Part 4 rules

b) The respective Management Committees of the Divisions of the proposed amalgamated industrial organisations will be able to appoint employees and/or agents as are necessary in the view of their respective Management Committees to service the needs of the respective Divisions.

22. Existing Agreement and Awards

a) All existing agreements and awards of the CFMEUQ, the FEDFAQ and theQCEUE will be binding on the proposed amalgamated industrial organisation.

23. Pending Proceedings

a) The proposed amalgamated industrial organisation will be a party to any pending proceedings to which the CFMEUQ, the FEDFAQ or the QCEUE are presently parties.

24. Auditor

a) It is proposed that the auditor for:

i) the proposed amalgamated industrial organisation will be the auditor of the CFMEUQ;

ii) the Construction and General Division will be the current auditor of the CFMEUQ;

iii) the Mining, Energy and Ports District will be the current auditor of the FEDFAQ Mining, Metalliferous, Energy and Ports Division.

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25 Elections

a) The rules of the proposed amalgamated industrial organisation provide that officers of the CFMEUC, the FEDFAO or the CCEUE (an "existing officer"), who are translated into office in the proposed amalgamated industrial organisation, cannot hold office in the proposed amalgamated industrial organisation without an ordinary election for more than the longer of:

i) an existing officer's unexpired term of office on the day immediately preceding amalgamation day; or

ii) 2 years from amalgamation day.

26 Principles

a) The establishment of the proposed amalgamated industrial organisation is designed to achieve the following objectives:

i) democratic representation of members,

ii) equitable industrial representation of members;

iii) enhanced organisation of members on a geographical, industrial and occupational basis,

iv) the establishment of Divisions to retain the industrial identity of the membership, whilst at the same time allowing the members to be part of, and participate in, a larger, more influential and more dynamic union;

v) each Division will within the Divisional structure of the union have extensive power, authority and autonomy which will ensure that the members are involved in determining issues that affect their wages, employment, safety, work rights and conditions of employment; and

vi) the rules of the proposed amalgamated industrial organisation provide that each Division will have significant autonomy.

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27. Alteration of Rules

a) The rules of the proposed amalgamated industrial organisation, other than Divisional rules, may be altered by the MCO in accordance with the Part A rules

b) The rules of the Divisions may only be altered by the respective Committees of Management of the Divisions in accordance with the rules of the Divisions.

CFMEUC State President

FEDFAC President

CFMEUC State Secretary

FEDFAC Secretary

QCEUE State President

QCEUE State Secretary

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INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQC" mentioned in the affidavit of Michael Rayner affirmed before me on this 7 day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

ATTACHMENT 4

STATEMENT OF SUPPORT OF THE PROPOSED AMALGAMATION CFMEUQ / FEDFAQ / QCEUE

CFMEUQ	FEDFAQ	QCEUE
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees	Queensland Colliery Employees' Union of Employees

The New CFMEUQ

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

THE NEW UNION

VOTE YES TO AMALGAMATION

✓

THE NEW UNION STRONGER FOR YOU

A Better Deal for Members

As a combined union the CFMEUQ , the FEDFAQ and the QCEUE will have over 20000 members with the combined resources needed to:

- deliver job security, wages and conditions of employment to members
- deliver fast, efficient service to members
- provide improved training and career opportunities to members
- ensure greater influence when dealing with employers
- ensure membership control over decision making in the union and in the workplace

Better Union Services

By pooling resources at a state level, members will receive better union services and better value for money.

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United campaigns can be run on important issues of job security, better deals on superannuation, improved training and career prospects, parental leave, workplace health and safety, anti-discrimination and other workplace issues.

An improved communication system for the provision of information.

A broader range of membership benefits such as no cost or discounted financial and legal advice, membership of the union shopper, enhanced credit facilities, and special offers.

Free training courses on work related issues.

New Structure

Amalgamation does not mean change in the day to day structure of each union.

The changes will be at the state level, where a new structure will be put in place to bring the present unions together as partners.

In practice the new union will be made up of industry divisions to reflect the combined membership:

- a Construction and General Division; and
- a Mining, Energy and Ports District.

Members of the CFMFUQ, the FEDFAQ and QCEUE will be assigned to the relevant industry division according to the callings followed.

All members will have the same rights and will have representatives on the various bodies of the new union at the state and industry division levels.

The Process

To ensure integration of the membership is achieved as democratically as possible, transitional rules have been developed which:

- translate the office bearers into the structure of the new union;
- provide for elections for the new union to occur in accordance with the *Industrial Relations Act 1999* (Qld); and
- provide for the first meeting of the new management committees and the management committees of the industry divisions to be held within 3 months following the date of amalgamation.

There is more information about the structure of the new union in the "Outline of Scheme for Amalgamation".

The Yes Box

Your ballot papers ask only one question – if you support the amalgamation, simply place a ✓ in the yes box.

Voting is secret and anonymous.

Every vote is confidential and the ballot is conducted by an independent body, the Electoral Commission Queensland.

After you have filled out your ballot paper place it in the envelope marked "Ballot Paper Only" and seal it. Then put the "Ballot Paper Only" envelope in the "Reply Paid" envelope and post it straight away.

A New Union in 2 Easy Steps

1. Place a ✓ in the Yes Box on your ballot paper.

2. Put it in the "Ballot Paper Only" Envelope and put this envelope in the "Reply Paid" envelope and post it, it's free.

Question for Voters

Do you approve the proposed amalgamation of the:

- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
- Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees; and
- Queensland Colliery Employees' Union of Employees,

in accordance with the scheme of amalgamation, a copy of the outline of which has been sent to you with this Ballot Paper?

✓ Yes

Place a ✓ in the Yes Box

THE NEW UNION STRONGER FOR YOU

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ7" mentioned in the affidavit of Michael Ravbar affirmed before me on this 7 day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

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

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THE CONSTRUCTION, FORESTRY, MINING & ENERGY INDUSTRIAL UNION OF EMPLOYEES

CONSTRUCTION & GENERAL DIVISION

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

MINING, ENERGY AND PORTS DISTRICT

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CFMEUQ

1. NAME

(a) The name of the Union is The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

2. PRINCIPAL OFFICE

(a) The principal office of the Union is 14-16 Campbell Street, Bowen Hills, or such other place as may be determined by the MCQ.

(b) The meetings of the MCQ will be held at the Principal Office, or such other place as the MCQ determines.

3. INTERPRETATION

(a) In these Part A rules, unless the contrary intention appears:

(i) "Act" will mean the Industrial Relations Act 1999;

(ii) "Association" means the Union;

(iii) "Division" means either of the:

(A) State Construction Union and General Division; or

(B) Mining, Energy and Ports District;

(iv) "Divisional Offices" are the holders of an Office in a Division;

(v) "Financial Statements" means any financial documents that explain the methods and calculations about how the Union's accounts are made up and correctly record and explain the Union's transactions and financial position;

(vi) "Honorary Member" will mean a member of a Division who has applied for and been granted honorary membership in accordance with the rules of that Division;

(vii) "Life Member" will mean a member of a Division who has been appointed as a life member in accordance with the rules of that Division;

(viii) "Management Committee of a Division" means a management committee of a respective Division;

(ix) "MCQ" means Management Committee Queensland;

(x) "Member" will mean:

(A) a Life Member; and

(B) a member of the Union, other than an Honorary or Retired Member, financial in accordance with these Part A rules;

(xi) "Offices of the Union" will consist of:

(A) the Union Offices; and

(B) the Divisional Offices;

(xii) "Quadrennial Elections" means the elections held each 4 years in accordance with the Union Election Procedure Rules.

(xiii) "Principal Office" means the principal office as provided by rule A2;

(xiv) "Retired Member" will mean a member of a Division who has been appointed as a retired member of a Division in accordance with the rules of that Division;

(xv) "Union" means The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(xvi) "Union Election Procedures Rules" means rules A26 to A36 inclusive;

(xvii) "Union Journal" means a publication produced, or adopted by, the MCC and which is provided free of charge to Members by means of print and/or electronic media.

(xviii) "Union Office" will mean, the offices of

(A) Union President;

(B) [illegible] Vice-President;

(C) Union Secretary; and

(D) Union Assistant Secretary;

(xix) "Union Officers" are the holders of a Union Office;

(xx) "Union Register" means the register of members maintained by the Union Secretary in accordance with rule A11.

(xxi) "Union Register of Officers" means the register of officers of the Union maintained by the Union Secretary in accordance with these Part A rules.

4. INTERPRETING THE RULES OF THE UNION

(a) In these Part A rules:

(i) a reference to the performance of a duty by an officer is inclusive of a reference to the officer causing the duty to be discharged

and/or inclusive of the day being discharged by any other officer holding the written delegation of the relevant officer or the MCC;

(ii) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(iii) where the last day of any period prescribed or allowed by these Part A rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iv) the singular includes the plural and the plural includes the singular;

(v) a reference to a Division's ceilings is a reference to those ceilings contained in the Union's registered ceilings which respectively relate to the Division concerned in accordance with these Union rules;

(vi) a reference to a statute includes a rule:

(A) statute amending, consolidating or replacing the statute, and

(B) regulation made under the statute as that regulation is in force from time to time;

(vii) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced.

(viii) headings will not be taken into account in interpreting these Part A rules,

(ix) a reference to a 'rule' is, unless the context clearly indicates otherwise, a reference to a rule of these Part A rules,

(x) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(xi) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xii) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part A rules and that schedule is a part of these Part A rules;

(xiii) a reference to "administrative regulations", unless the context clearly indicates otherwise, is a reference to administrative

regulations to these Part A rules and those administrative regulations are a part of these Part A rules;

(xiv) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June in the year next following;

(xv) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

(xvi) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm.

(b) A reference in a Schedule to these Part A rules to the "rules" is a reference to these Part A rules and all words and phrases in the Schedule have the same meaning as these words and phrases have in these Part A rules.

(c) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows:

(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the Construction and General Division;

(iii) Part C – the rules that provide for the Mining, Energy and Ports District;

(iv) a reference to one of those parts is a reference respectively to parts (i) to (iii);

(v) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(vi) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vii) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(viii) a reference to Divisional rules is a reference to the rules of the Divisions;

(ix) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules; and

(x) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules

5. OBJECTS

(a) The objects of the Union are to:

(i) enrol in the Union persons eligible to be members;

(ii) advance the interests of members and secure appropriate classification structures with appropriate rates of pay that adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

(iii) ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system;

(iv) ensure that rates of pay and other provisions in awards adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

(v) advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies;

(vi) provide legal protection for members with respect to industrial and work injury related matters;

(vii) assist members in the event of unemployment, sickness, injury, mortality or industrial disputes;

(viii) establish Divisions, Branches, Lodges and Sections of the Union and organise members into divisions, sub-branches, lodges and sections throughout Queensland;

(ix) publish or contribute to the publication of a Union Journal, newspaper or other media;

(x) assist in the establishment and maintenance, or to contribute to the establishment and maintenance of, a labour journal, newspaper and/or other media;

(xi) advance the living and working conditions of workers and their families, and to assist kindred unions and other bodies having objects similar in whole or in part to the objects of the Union;

(xia) advance the living and working conditions of workers and independent contractors, whether individually or as a whole, in the construction industry;

(xii) assist and advance the conditions of members who have retired;

(xiv) affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association, any political party or any other organisation having objects similar in whole or in part to the objects of the Union;

(xv) hold, purchase, lease, mortgage, sell or otherwise deal in property;

(xvi) make financial provision for the carrying out of the objects;

(xvii) 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, social or other legislation;

(xviii) secure preference of employment for unionists generally and for financial members;

(xix) establish and maintain, or to contribute to the establishment and maintenance of, an employment bureau for financial members;

(xx) contribute to any charitable or public benevolent institution;

(xxi) constitute, conduct, carry on and manage clubs, holiday and rest centres for the benefit of financial members and their families;

(xxii) co-operate and maintain contact with members, other unions, labour bodies and socially responsible organisations in Queensland, Australia and overseas;

(xxiii) be involved in socially responsible actions as part of the wider community in Queensland, Australia and overseas;

(xxiv) bring about the so... tion of production, distribution and exchange and the de... lopment and protection of effective enterprises;

(xxv) organise the education of financial members;

(xxvi) promote the policy of equality of status and opportunity for all financial members;

(xxvii) promote the employment of women in industries and enterprises falling within the ekjuisdiction of the Union;

(xxviii) increase the number of female members;

(xxix) encourage the participation by women in union activities and decision making bodies;

(xxx) adopt, promote and implement family friendly policies for members, Union employees and officials;

(xxxi) increase the number of women employed by the Union,

(xxxii) ensure there is equal employment and career path opportunity for women employed by the Union;

(xxxiii) establish a fund from which to provide retiring allowances to full time officers and employees of the Union or its Divisions;

(xxxiv) establish and administer trust funds (the "Trust Funds") for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxv) contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxvi) transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxvii) pursue such other objects as the Divisions may determine;

(xxxviii) enter into contracts and agreements for the purpose of carrying out the objects of the Union; and/or

(xxxix) do all such things as may be necessary or incidental to the carrying out of the objects of the Union.

(b) None of the objects expressed in sub-rule (a) are to be read in such a way as to limit any other of those objects.

6. POWERS

(a) The Union has in achieving its objects all the powers of an individual

(b) Without limiting the powers expressed in sub-rule (a), the Union will achieve its objects by the application of all lawful means available to it including, without limitation, industrial, political and legal.

(c) Without limiting the powers expressed in sub-rule (a), the Union will provide the funds and resources as necessary to achieve and further its objects, and any expenditure out of the funds of the Union to achieve or further an object of the Union is an ordinary expense of the Union.

7. ELIGIBILITY

SECTION A

(a) 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, cave slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixers, majolica fixers, e. thenware pipe drain layers in or about a building, cutters a. ..ork for doorways, windows etc. plasterers, fibrous plasterers, e . ers; 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

(b) The 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:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wheresoever 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.

(ii) 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.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and pools, (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.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, 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 purpose of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) 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.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enameling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and showcards.

(viii) 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.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) 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 will 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, Construction 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.

(b) 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.

(c) Nothing in this Section A rule will 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 Trading Employees Industrial Agreement

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sections of the sugar industry shall not be eligible to become a member of the union

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets,

woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, headlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholsteresses, new and second-hand carpet, drapery, table and lampshade hands, lino workers, rag-pickers and fumigators, timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, lustre glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2020.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift 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 low-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 whatever employed, shall not be eligible for membership.

Provided further that, notwithstanding the foregoing provisions of this Section B 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 Trading Employees Industrial Agreement.

(b) 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.

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sections of the sugar industry shall not be eligible to become a member of the association.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership.

SECTION C

(a) 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.

(b) 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 Trading Employees Industrial Agreement.

8. DIVISIONS

(a) The Union will be divided into Divisions to which the membership will be attached in accordance with these Part A rules

(b) Divisions may be established on the basis of geographical location, industry, occupation or other basis as the MCC considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCC, provided that any proposal to alter the number of Divisions, that may exist from time to time, requires the unanimous consent of the members of the MCC, before any amendment to these rules can occur

(d) Each Division has autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(i) the industrial interests of the members attached to the Division;

(ii) the election of officers of the Division,

(iii) attaining or furthering the objects of the Union,

(iv) structure of the Division.

(e) Each division has autonomy in relation to the funds and property held in the Divisional Fund of the Division.

(f) Each Division has rules and has the power to make, alter or rescind the rules of the Division.

(g) A Division has power to determine poli y for that Division, not inconsistent with the rules of the Union.

(h) If there is any environmental i. -ter that directly affects the employment of members of one Division only, then that Division whose members are affected has the power to determine the policy of the Union on that matter.

(i) Divisions may in accordance with their rules, be divided into branches along g ..graphic, occupational or industry basis and the members of the Division s..l be attached to the branches.

9. ATTACHMENT OF MEMBERS TO DIVISIONS

(a) A member will only be attached to one Division.

(b) Those members who will be attached to the District are those that are eligible for membership pursuant to:

(i) section 6 of rule A7 who are:

(A) engaged in or in connection with the Coal and Shale industry;

(B) engaged in or in connection with the Mining or Exploration industries;

(C) engaged as employees or as employees of contractors, in or in connection with the following industries:

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(1) power generation, co-generation, transmission and distribution;

(2) oil;

(3) gas;

(4) nuclear; and/or

(5) chemical production; and/or

(D) elected or appointed as a paid officer of the District or whilst a financial member of the District is elected as a representative of any working class organisation to which the District is affiliated or as a working class member of Parliament; or

(ii) section C of rule A7.

(c) Those members who are not attached in accordance with sub-rule (b) will be attached to the Construction and General Division.

(d) Each member will be notified of the Division to which the member is attached.

(e) A member who is otherwise eligible for membership of the Union but who has been attached to the wrong Division:

(i) will be promptly transferred to the correct Division; and

(ii) for the purpose of continuity in the Division to which they are transferred the period of membership in the Division from which they are transferred will be taken as a period of membership in the Division to which they are transferred.

(f) Any dispute as to the attachment of a member will be resolved in accordance with rule A48

(g) Every Member who is attached to a Division will be treated for all purposes as a financial member of that Division and is entitled to all the rights, and required to comply with all the obligations of a Member of the respective Division.

10. ADMISSION TO MEMBERSHIP

(a) A person admitted to membership of a Division in the manner provided for in the relevant Divisional rules becomes on, and from, the date of admission to the Division a member of the Union.

(b) The Secretary of a Division will promptly advise the Union Secretary of:

(i) the admission to membership of new members of the Division; and

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(ii) the particulars relating to the new members admitted which are required for the completion of the Union Register

(c) The information required to be provided pursuant to sub-rule (b) may be provided electronically.

(d) Candidates for membership will be informed in writing of the:

(i) financial obligations arising from membership; and

(ii) circumstances, and the manner, in which a member may resign from the Union.

(e) The Union Secretary may, by agreement with a Divisional Secretary, discharge the obligation provided by sub-rule (d) by providing the information required by sub-rule (d) in conjunction or jointly with the Division.

11. REGISTER OF MEMBERS/REGISTER OF OFFICERS

(a) The Union Secretary will keep a register containing, s far as the Union Secretary is able to determine, and arranged in accordance with membership of the Divisions, the following information in relation to members, their:

(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) financial status;

(vi) date of admission;

(vii) date of resignation; and

(viii) any other information required by the Act.

(b) The Union Secretary will update the Union Register as necessary.

(c) The Union Register is, in the event of a member failing to notify any change of their member information pursuant to this rule, conclusive proof for the purposes of these Part A rules of the matters set out in the Union Register

(d) The Union Secretary will keep a register of Officers of the Union which will contain:

(i) the names;

(ii) the offices held; and

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(ii) the addresses,

of the Officers, of the Union.

(e) The Union Secretary will update the Register of Officers as necessary.

12. ENTRANCE FEES

(a) A Division may impose a requirement to pay entrance fees in accordance with the Division's rules.

(b) No Member is required to pay an entrance fee to the Union other than as provided by sub-rule (a).

13. SUBSCRIPTIONS

(a) A Division may impose a requirement on its members to pay subscription fees to the Division in accordance with the Division's rules.

(b) No Member is required to pay subscription fees to the Union other than as provided by sub-rule (a).

14. LEVIES

(a) A Division may impose a requirement on its members to pay a levy in accordance with the Divisions rules.

(b) No member is required to pay a levy to the Union other than as provided by sub-rule (a).

15. UNFINANCIAL MEMBERS

(a) A member of a Division who is, in accordance with the Divisional rules, an unfinancial member of the Division is also on, and from, the date of becoming an unfinancial member of the Division an unfinancial member of the Union

(b) An unfinancial member, may at the direction of the WCQ, be purged from the Union Register, provided that an unfinancial member of a Division who is purged from the membership of the Division must be promptly purged from membership of the Union.

(c) Nothing in this rule prevents the recovery by the Union of any monies that may be due to, and recoverable by, the Union.

(d) Nothing in this rule prevents the recovery by a Division of any monies that may be due to, and recoverable by, the Division.

16. RIGHTS OF FINANCIAL MEMBERS

(a) Only Members may, subject to any other requirement of these rules:

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(i) attend at any meeting of the Union held pursuant to these Part A rules;

(ii) move, or second, a resolution of the Union permitted to be moved by these Part A rules;

(iii) speak to any resolution at a meeting of the Union held pursuant to these Part A rules;

(iv) exercise a vote in any ballot, or plebiscite, held pursuant to these Part A rules;

(v) move, or second, a nomination for a Union Office;

(vi) nominate for a Union Office, and

(vii) hold any Union Office.

(b) Despite sub-rule (a) the rights that a Member of the Union can exercise in relation to the Division to which they are attached are the rights provided to Members of the respective Division by the rules of that Division.

(c) Sub-rule (a) does not provide any right or entitlement to a member of one Division to participate in the affairs of the other Division.

(d) Life Members may only exercise the rights, in relation to the respective Division to which they are attached, as are provided to life members of the respective Division by the rules of that Division.

(e) Honorary Members may only exercise the rights, in relation to the respective Division to which they are attached, and as are provided to honorary members of the respective Division by the rules of that Division.

(f) Retired Members may only exercise the rights, in relation to the respective Division to which they are attached, as are provided to retired members of the respective Division by the rules of that Division.

17. RECOVERY OF ARREARS

(a) All claims for monies due, or owing, to the Union pursuant to these Part A rules by a member may be sued for, and recovered in, the name of the Union by the Union Secretary.

(b) All monies that may be due, or owing, to a Division pursuant to the rules of the Division may be recovered by the Secretary of the respective Division suing in the name of the Union.

(c) Monies recovered in accordance with sub-rule (b) will be attributed to the Divisional Fund of the respective Division that recovers the monies.

18. RESIGNATION

(a) A member may resign from membership of the Union by notice given to the Union stating that the member resigns from the Union.

(b) The resignation takes effect

(i) if the notice states a day or time after the notice is given when the resignation takes effect, on the day or time; or

(ii) otherwise, when the notice is given.

(c) A member who resigns from membership of the Union also resigns on and from that date, from the membership of the Division to which they were attached.

(d) The Union Secretary will promptly notify the Divisional Secretary of the respective Division of the resignation of the member concerned.

(e) A member who resigns from membership of a Division also resigns, on and from that date, from the membership of the Union.

(f) The Divisional Secretaries will promptly advise the Union Secretary of the names of members of their Division who resign and the date of their resignation.

(g) Resignation does not affect the liability of a member, or former member, to pay any monies that were owing by the member at the date of resignation to the Union or to the Division to which the member was attached, and such monies may be sued for and recovered in accordance with these Union rules.

(h) A member resigning from the Union, who has complied with this rule, may request to be issued with a clearance certificate by the Union Secretary

19. UNION COUNCIL

(a) There will be a Union Council which is comprised of the members of the Management Committees of the respective Divisions.

20. POWERS OF THE UNION COUNCIL

(a) The Union Council has the power to:

(i) make recommendations to the MCC concerning the resolution of disputes, other than disputes about the attachment of members, between the Divisions;

(ii) make recommendations to the MCC as to whether or not officers are to be removed from office in accordance with these Part A rules

21 MEETINGS OF THE UNION COUNCIL

(a) A meeting of the Union Council will be convened by the Union Secretary when required to do so by these Part A rules.

(b) The Union Secretary will give 10 days notice of a meeting of the Union Council

(c) The notice for a meeting of the Union Council must set out the business sought to be dealt with at the meeting.

(d) Only the business set out in the notice for the meeting of the Union Council is able to be dealt with at the meeting.

(e) The Union Secretary will provide to the members of the Union Council:

(i) notice of the meeting;

(ii) notice of the business to be dealt with at the meeting, and

(iii) associated papers.

(f) Notice of the meeting may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS;

(v) by any other electronic or telegraphic means as may be available, and/or

(vi) orally

(g) Meetings of the Union Council are to be conducted as meetings of persons assembled.

(h) Meetings of the Union Council will be held at the principal office of the Union unless the MCC determines otherwise.

(i) The Union President will chair meetings of the Union Council, however if the Union President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the Union Vice-President will act as the chair of the meeting with all the powers of the Union President and if the Union Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the Union President

(j) The quorum for meetings of the Union Council is:

(i) ½ of the members plus 1 of the Union Council; and

(ii) at least ¼ of the members of each Divisional Management Committee.

(k) The members of the Union Council have a deliberative vote at meetings of the Union Council as follows:

(i) each Division may at each meeting exercise 10 votes; and

(ii) each member of the management committee of a Division in attendance at the meeting will exercise a vote based on the formula:

(10 ÷ Number of members of the management committee of a Division in attendance at the meeting)

(l) The Union President is not entitled to exercise a casting vote.

(m) A member of the Union Council not able to attend a meeting of the Union Council, of which notice has been given in accordance with these Part A rules, must make a request for leave of absence to the Union Secretary.

(n) A member of the Union Council not complying with sub-rule (m) may be fined by the MCQ an amount not exceeding $500 or be otherwise disciplined in accordance with these Part A rules.

22. MANAGEMENT COMMITTEE QUEENSLAND

(a) The MCQ will consist of the Union Officers.

(b) The MCQ is the management committee of the Union.

23. POWERS OF THE MCQ

(a) Without limiting any other power expressly granted by these rules, or sub-rule (b), the powers of the MCQ, subject to Rule A48 include the power to:

(i) further and attain the objects of the Union for the general benefit of Members;

(ii) direct the policy of the Union in all matters affecting the interests of the members of the Union;

(iii) establish any special fund to achieve any of the objects of the Union;

(iv) submit any matter to the Members for decision by plebiscite;

(v) submit any matter to the Divisions for decision;

(vi) resolve, in accordance with these Part A rules, disputes between the Divisions in relation to the attachment of members;

(vii) expend such money from the Union Fund as may, in its opinion, be necessary to achieve the objects of the Union; and

(viii) do all other such acts and things as are incidental to the carrying out of the objects of the Union.

24. MEETINGS OF THE MCQ

(a) The MCQ will meet at least twice per year.

(b) Sub-rule (b) does not prevent the MCQ from meeting as often as it determines.

(c) The Union Secretary will, subject to sub-rule (e) convene meetings by giving the members of the MCQ not less than 10 days notice of a meeting

(d) Notice of meetings may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS; and/or

(v) by such other electronic or telegraphic means as may be available.

(e) Where the Union President or the Union Secretary consider that a matter requires urgent attention the Union Secretary will call a meeting of the MCQ.

(f) In calling a meeting, when a request is made pursuant to sub-rule (e), the Union Secretary will give such notice of the meeting, in accordance with sub-rule (d) and/or orally, as is practicable in the circumstances and the meeting may be conducted:

(i) by telephone, radio or any other method by which members of the MCQ are able to communicate with each other without being physically present; or

(ii) a ballot of the MCQ by means of registered post, facsimile transfer, E-mail or by other electronic or telegraphic means as may be available, provided that:

(A) in any such ballot of the MCQ, all the members of MCQ must exercise a vote to constitute quorum, and

(B) in any such ballot of the MCQ, decisions will be by % majority of the votes cast; and

(C) the ballot must be completed within 10 days of the day the Union Secretary forwards the ballot.

(g) The Union President will chair meetings of the MCQ. However if the Union President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the Union Vice-President will act as the chair of the meeting with all the powers of the Union President and if the Union Vice-President is not present within 15

minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the Union President.

(h) % of the members of the MCQ will form a quorum

(i) Each member of the MCQ is entitled to cast one vote in any ballot. In the event of a tied vote there will be no casting vote and the resolution will be lost

25. MINUTES

(a) The minutes of each meeting of the MCQ will be prepared by the Union Secretary and forwarded to each member of the MCQ.

(b) Upon confirmation at the next meeting of the MCQ, the minutes will be signed by the Union President.

(c) A copy of the minutes of each MCQ meeting, as the case may be, will, upon their being confirmed be:

(i) available for inspection by Members during business hours; and

(ii) provided to the Divisional Secretaries.

26. ELECTIONS

(a) Elections for the Union Offices will, on and from, 2019 and every 4 years thereafter, be conducted in accordance with the Union Election Procedure Rules.

(b) Only members of a management committee of a Division may, in accordance with these Part A rules, nominate for a Union Office to which they are otherwise entitled to nominate in accordance with these Part A rules

(c) In the elections to be held in 2020, and each eighth year thereafter, the Union Offices will be filled as follows:

(i) Union President – to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management;

(ii) Union Vice- President– to be elected by, and from, the members of the Construction and General Division State Committees of Management;

(iii) Union Secretary– to be elected by, and from, the members of the Construction and General Division State Committee of Management; and

(iv) Union Assistant Secretary– to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management.

(d) In the elections to be held in 2013, and each eighth year thereafter, the Union Offices will be filled as follows:

(i) Union President – to be elected by, and from, the members of the Construction and General Division State Committee of Management;

(ii) Union Vice- President – to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management;

(iii) Union Secretary – to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management; and

(iv) Union Assistant Secretary – to be elected by, and from, the members of the Construction and General Division Committee of Management.

(e) Persons nominating for a Union Office must have their nomination moved by a member of the management committee of the Division of which they are a member, and seconded by another member of the management committee of that Division.

(f) Only members of the management committee of the respective Division, from which a person nominates pursuant to sub-rule (b), may vote in any ballot for the election concerned.

(g) The holder of a Union Office will be entitled to nominate for re-election to a Union Office if they are otherwise eligible in accordance with these Part A rules.

(h) If a Union Officer ceases to hold office on the management committee of the Division to which they are attached then their office on the MOG becomes vacant from the date they have ceased to hold office.

27. ELECTION PROCEDURE DEFINITIONS

(a) Definitions:

(i) "ballot box" means a ballot box kept under rule A30;

(ii) "candidate", for an election pursuant to these Part A rules, means a person:

(A) who has nominated as a candidate for the office the election is about, and

(B) whose nomination has been accepted pursuant to these Union Election Procedure Rules, and

(C) whose nomination has not been withdrawn;

(iii) "election" in these Union Election Procedure Rules means an election for a Union Office;

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(iv) "initialled" by the Manager includes being marked with a facsimile of the Manager's initials;

(v) "Manager" means the manager of a Union election and is:

(A) the electoral officer conducting the election or ballot held pursuant to these Part A rules; or

(B) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election;

(vi) "nominator" means the person who, in accordance with these Part A rules, may propose or second a nomination of a Candidate;

(vii) "scrutineer" means:

(A) a Candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a Candidate pursuant to these Union Election Procedure Rules;

(viii) "Voter" means a person who is entitled to vote in an election conducted pursuant to rule . 36.

25 MANAGER OF ELECTION—FUNCTIONS AND POWERS

(a) The Manager:

(i) must not influence, or attempt to influence, the outcome of the election; and

(ii) must conduct the election under these Union Election Procedure Rules except where these Part A rules expressly provide otherwise; and

(iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent.

(b) The Manager may take the action, and give the directions, the Manager considers reasonably necessary

(i) to ensure no irregularities happen in the election; or

(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

26. BALLOT PAPERS

(a) A ballot paper for the election must:

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(i) have a distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager;

(ii) be a different colour from the colour used for ballot papers at the 2 previous elections held for Union Officers;

(iii) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names;

(iv) state how the Voter may vote.

(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

30 MANAGER MUST KEEP A BALLOT BOX

(a) The Manager must in relation to each election maintain a ballot box and

(i) keep the box in a safe place; and

(ii) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes,

(B) prevents voting material from being taken from it until votes for the ballot are to be counted; and

(C) prevents the identification of Voters.

31. ELECTIONS FROM MANAGEMENT COMMITTEES OF THE DIVISIONS

(a) Each Union Officer will be elected by a collegiate electoral system.

(b) The Electoral College will, in relation to the above offices, be the management committees of the respective Divisions.

(c) A manager of the election will be appointed and the Manager will be subject to the provisions of these Union Election Procedure Rules.

(d) The Manager will call for nominations from among members of the Electoral College subject to these rules, by written notice to each member of the management committees of the respective Divisions.

(e) A person may not nominate for more than 1 of the Union Offices.

(f) Nominations will be in writing, signed by the candidate and seconded in accordance with these Union Election Procedure Rules and will be delivered to the Manager prior to the commencement of the first meetings of the management committees of the respective Divisions next following 7 January in the year following the election of the Construction & General Division (for the purposes of this rule the "Meetings").

(g) If the Manager finds that a nomination is defective, the Manager will, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

(h) The Manager will notify each member of the relevant part of the Electoral College of the opening and closing time of the ballot which will be conducted at the meeting.

(i) If at the close of nominations, only the required number of nominations have been received for the offices, the Manager will declare such Candidates as elected.

(j) If there are more than the required number of Candidates for an office from one of the Divisions, the Manager will conduct at the Meetings an election by secret ballot of the members of the relevant part of the Electoral College.

(k) The ballot will be determined by means of a first past the post system of voting.

(l) Any Candidates may in accordance with the Union Election Procedure Rules appoint a scrutineer.

(m) The Manager will prepare ballot papers in accordance with the Union Election Procedure Rules.

(n) The Manager will initial and hand to each member of the relevant part of the Electoral College a ballot paper

(o) The members of the Electoral College of the respective Division, whilst at the Meeting, will cast a vote by placing a cross or other mark against the name of the Candidate the Voter wishes to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager.

(p) Any member who will not be present at the Meeting of the respective Division at which the ballot is to be held may:

(i) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager will not declare the result of the ballot until such member has been given reasonable opportunity to vote; or

(ii) appoint another member of the Electoral College attached to their respective Division to vote as their proxy and such appointed member will be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.

(q) The Manager will count the votes in accordance with these Union Election Procedure Rules.

(r) The Candidate securing the highest number of votes will be declared elected.

(e) The Manager will declare the results of ballots in writing to the members of the Electoral College as soon as practicable.

32. COUNTING VOTES

(a) To count votes the Manager must:

(i) admit the formal votes and reject the informal votes;

(ii) count the formal votes; and

(iii) count the informal votes.

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic;

(ii) the ballot paper is marked in a way that allows the Voter to be identified; or

(iii) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote.

33. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

(b) A decision pursuant to sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

34. SCRUTINEERS

(a) Each Candidate may have only 1 scrutineer exercising a right under this rule.

(b) A Candidate may:

(i) act personally as a scrutineer; or

(ii) appoint another person (an "appointee") as a scrutineer for the Candidate.

(c) An appointment must be in writing and signed by the Candidate.

(d) A Candidate must notify the Manager of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

(e) The Manager may refuse to allow an appointee to act as a scrutineer if:

(i) the Manager asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

(f) Subject to sub-rule (k), a scrutineer may be present when:

(i) ballot papers or other voting material for a ballot are prepared and given to Voters; and

(ii) votes are counted.

(g) Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

(h) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager; or

(ii) advise the Manager that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(i) If a scrutineer advises the Manager under sub-rule (g) or (h), the Manager must:

(i) decide whether the error has been made, and

(ii) if appropriate—direct action to correct or mitigate the error.

(j) If a scrutineer objects under sub-rule (h), the Manager must:

(i) decide whether the ballot paper is to be admitted or rejected; and

(ii) note the decision on the ballot paper and initial the note.

(k) Direction by Manager to leave count:

(i) The Manager may direct a person to leave the place where votes are being counted if the person:

(A) does not have the right to be present at the count; or

(B) interrupts the count, other than to exercise a scrutineer's right.

35 TAKING OFFICE

(a) The persons declared elected by the Manager, within the meaning of the Union Election Procedure Rules, will hold office on, and from, 1 February in the year of their election.

(b) A person elected to a Union Office will retain that office until a successor is duly elected unless the Union Officer dies, resigns or is otherwise removed from office in accordance with these Part A rules.

36. CASUAL VACANCIES

(a) Should a casual vacancy occur in any of the offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy will be filled by election in accordance with the Union Election Procedure Rules.

(b) Should a casual vacancy occur in any of the offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy will be filled by the MCQ.

(c) Where a casual vacancy is to be filled in accordance with sub-rule (b) then the MCQ will request of the respective Division to which the member of the MCQ, who has died, retired, resigned or been removed was attached, to provide a candidate, otherwise eligible in accordance with these Part A rules, suitable to fill the casual vacancy.

(d) The MCQ will appoint the candidate, provided in accordance with sub-rule (c) to the casual vacancy.

(e) Until the election to fill a casual vacancy pursuant to sub-rule (a) is held the MCQ has the power to appoint a Member of the respective Division to which the member of the MCQ, who has died, retired, resigned or been removed was attached to act in the casual vacancy until an election is held and a candidate elected.

(f) A Member appointed or elected to fill a casual vacancy pursuant to this rule only holds office for the same period as the officer that they have replaced could have held that office.

(g) A Member appointed pursuant to sub-rule (e) has the right to nominate in the election to fill the casual vacancy pursuant to this sub-rule.

(h) The Union Secretary will cause the necessary steps to be taken for the conduct of the election pursuant to the Union Election Procedure Rules.

37 COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The offices of the Union (the "state office") that correspond with the offices of the Counterpart Federal Body (the "federal office"), due to the state office being similar to the federal office, are as follows:

federal office	state office
The CFMEU, M&E Division, Qld District Branch (for this rule the "Qld District")	The Mining, Energy and Ports District
Qld District President	District President
Qld District Executive Vice-President	District Executive Vice- President
Qld District Vice- President	District Vice-President
Qld District Secretary	District Secretary

Qld District Central Councillor	District Councillor
Qld District Board Member	District Representative
Qld District Lodge Delegates	District Lodge Delegates
Qld District District Union Inspectors	District Union Inspectors
Qld District Lodge Committee Members Lodge Committee Members	Lodge Committee Members

The CFMEU, Qld Construction Workers Divisional Branch	The State Construction and General Division
Qld Construction Workers Divisional Branch President	State Divisional President
Qld Construction Workers Divisional Branch Vice- President	State Divisional Vice-President
Qld Construction Workers Divisional Branch Secretary	State Secretary
Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers)	State Divisional Assistant Secretary (Plasterers)
Qld Construction Workers Divisional Branch Assistant Secretary (Painters)	State Divisional Assistant Secretary (Painters)
Qld Construction Workers Divisional Branch Assistant Secretary (other than Qld Construction Workers Divisional Branch Assistant Secretary (Plasterers) and Qld Construction Workers Divisional Branch Assistant Secretary (Painters))	State Divisional Assistant Secretary
Qld Construction Workers Divisional Branch Management Committee Member – South East Queensland	State Divisional Council Member – South East Queensland
Qld Construction Workers Divisional Branch Management Committee Member – Regional Queensland	State Divisional Council Member – Regional Queensland
Honorary President of the Qld, NT and WA District of the Number 1 Branch of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	State Divisional Council Member
Qld Construction Workers Divisional Branch Organisers	State Divisional Organisers
Member of the Divisional Branch Executive	Member of the State Divisional Executive

(b) The Union Secretary will:

(i) make application for exemption from holding an election as soon as practicable following the declaration of a relevant election, held under the Fair Work (Registered Organisations) Act (Cth) (the "federal election") for the Counterpart Federal Body; and

(ii) notify the membership of the Union or of a Division, as the case may be, of the making of the application for exemption, by means of a publication circulated to the relevant members free of charge; and

(iii) seek, in the making of an application for exemption, that a state office be filled by a person elected in the relevant federal election to the federal office that corresponds, as provided by this rule, with the state office.

(c) In the event of the exemption not being granted, or being only partially granted, the Union Secretary will forthwith proceed to file the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to these Union rules.

(d) Without limitation to sub-rule (b) the Secretary of a Division may request that the Union Secretary take such steps as may be required in accordance with these Part A rules to make application for an exemption from election ballot.

(e) A Divisional Secretary will take such steps and do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot in accordance with these Part A rules.

(f) In the event of the exemption not being granted, or being only partially granted, a Divisional Secretary will promptly ensure the filing by the Union Secretary of the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to the Part B or C rules.

38. UNION PRESIDENT

(a) The Union President will, subject to these Part A rules, preside at all meetings of the:

(i) MCC; and

(ii) Union,

convened pursuant to these Part A rules.

(b) The office of Union President is honorary.

(c) The Union President will work with the other members of the MCC to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

39. UNION VICE-PRESIDENT

(a) The Union Vice-President will:

(i) in the absence of the Union President; or

(ii) on the written request of the Union President,

act as the President or discharge the functions of the office of President.

(b) The office of Union Vice-President is honorary.

(c) The Union Vice-President will work with the other members of the MCC to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

40. UNION SECRETARY

(a) The Union Secretary will:

(i) keep all records of the Union required to be kept in accordance with these Part A rules;

(ii) collect fees and levies owing to the Union in accordance with these Part A rules;

(iii) collect all rents and other monies owing to the Union in accordance with these Part A rules;

(iv) promptly deposit all monies received on behalf of the Union in accordance with these Part A rules;

(v) administer the Union on a day to day basis in accordance with these Part A rules;

(vi) submit to each ordinary meeting of the MCC an abstract of:

(A) monies received by the Union in accordance with these Part A rules, and

(B) accounts for payment to be made by the Union in accordance with these Part A rules;

(vii) prepare the Union's annual financial statement;

(viii) on leaving office, deliver up all books, documents, and property of the Union held in accordance with these Part A rules to their successor;

(ix) be the officer to sue on behalf of the Union for any matters arising in accordance with these Part A rules;

(x) perform such other duties and functions as the MCO may direct;

(xi) appoint, and terminate, employees, contractors and/or agents to, and of, the Union required for the purposes of fulfilling the obligations of the Union that arise in accordance with these Part A rules;

(xii) manage and co-ordinate the activities of the employees, contractors and/or agents to, or of, the Union in accordance with these Part A rules;

(xiii) ensure that notice of meetings is provided and minutes are maintained in accordance with these Part A rules; and

(xiv) maintain the Union Register.

(b) The Union Secretary will ensure the Union is represented, as required by these Part A rules, in relation to all relevant hearings before:

(i) Commissions;

(ii) Tribunals;

(iii) Boards; and/or

(iv) Courts.

(c) The Union Secretary will work with the other members of the MCO to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

41. UNION ASSISTANT SECRETARY

(a) The Union Assistant Secretary will carry out the duties of the Union Secretary during the Union Secretary's absence.

(b) The Union Assistant Secretary will assist the Union Secretary in performing the Union Secretary's duties and will perform such duties as the Union Secretary delegates.

(c) The Union Assistant Secretary will perform such other duties and functions as the MCO may direct.

(d) The Union Assistant Secretary will work with the other members of the MCO to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

42. RETURNING OFFICER

(a) The MCQ will, at its first meeting held immediately following Union Officers taking office in the Quadrennial Elections, appoint a Returning Officer.

(b) The Returning Officer will not be:

(i) a member of; or

(ii) the holder of any office in; or

(iii) be an employee of,

the Union.

(c) In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a Candidate in any election under these rules, the MCQ will terminate the appointment, and appoint a replacement for the balance of the term to which the Returning Officer who is being replaced was appointed.

(d) The Returning Officer will be responsible for the conduct of all ballots for the Union held pursuant to these Part A rules, except where an election for an office must be conducted by the Electoral Commission Queensland.

43. CAPITATION FEES

(a) For the purpose of this rule:

(i) "Capitation Rate" is the rate determined by the MCQ;

(ii) "Capitation Fee", in relation to the relevant financial year and in relation to each Division, will be the amount calculated in accordance with sub-rule (b); and

(iii) "Capitation Number" is the number of financial members of a Division, determined in accordance with the rules of that Division, as at the 1st January in each year.

(b) The Capitation Fee for each Division is calculated by multiplying the Capitation Number by the Capitation Rate

(c) Divisions will pay the Capitation Fee on at least a quarterly basis.

(d) A Division that has Capitation Fees in arrears for more than 2 years is unfinancial and:

(i) Union Officers elected by, and from, that Division are not entitled to continue to exercise the function of the Office to which they have been elected and the remaining members of the MCQ will exercise all the powers provided by these Part A rules.

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(ii) a member of Union Council elected by, and from, that Division is not entitled to continue to exercise the functions of the Office to which they have been elected and the remaining members of the Union Council will exercise all the powers provided by these Part A rules;

(iii) rules A21(j) and A24(h) do not apply and quorum will be comprised of 50% of the members of respectively the Union Council and the WCC who remain entitled pursuant to this rule to exercise the function of the respective office.

44. EXECUTION OF DOCUMENTS / CHEQUES / NOTIFICATION OF DISPUTES

(a) Documents required to be executed by an officer of the Union pursuant to these Part A rules will, subject to these Part A rules, be executed by any 2 of the Union Officers.

(b) Any two of the Union Officers, may:

(i) sign cheques; or

(ii) authorise payments by electronic funds transfer.

(c) In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the Union for its part to genuinely attempt a settlement of the Industrial Dispute in the manner required by the Act.

45 FINANCIAL PERIOD

(a) The financial year of the Union will be from the 1st of July in any year to the 30th of June in the year next following.

(b) Sub-rule (a) does not prevent a Division from adopting a different financial year.

46. UNION FUND

(a) The Union Fund will consist of:

(i) real, or personal property, of which the Union by:

(A) these Part A rules; or

(B) any established practice not inconsistent with these Part A rules,

has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;

(ii) entrance fees, subscriptions, levies or fines received by the Union in accordance with these Part A rules;

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(iii) capitation fees paid by the Divisions in accordance with these Part A rules;

(iv) interest, rents, dividends or other income derived from the investment of the Union Fund;

(v) benefit funds administered by the Union in accordance with these Part A rules for the benefit of the Members.

(vi) property acquired by expenditure from, or derived from, the assets of the Union Fund; and

(vii) proceeds of any disposal of parts of the Union Fund.

(b) All expenditure from the Union Fund must occur in accordance with these Part A rules

(c) The Union Fund will only be used for the:

(i) carrying out of the objects of the Union, and

(ii) necessary expenses of management of the Union incurred in accordance with these Part A rules.

(d) All expenditure incurred pursuant to sub-rule (b) will be placed before the MCC for consideration and ratification.

(e) The MCC may, in relation to a particular account of the Union Fund, determine to maintain an account at a particular level.

47 AUDIT OF UNION ACCOUNTS

(a) The MCC will appoint, in accordance with the provisions of the Act, an auditor who has the qualification required for a competent person under the Act.

(b) The auditor will:

(i) audit the Financial Statements of the Union, excluding its Divisions at the end of each financial year and at such other times as the MCC directs;

(ii) have access to and examine all registers, books, papers, deeds, documents, Financial Statements and accounts of the Union held in accordance with the provisions of these Part A rules;

(iii) have the discretion to examine any Union Officer in regard to the registers, books, papers, deeds, documents, Financial Statements and accounts of the Union held in accordance with the provisions of these Part A rules. and

(iv) obtain from any financial facility, in which the Union Fund is deposited and/or invested, a written statement of balances held.

(c) The auditor will furnish a written statement that all Financial Statements are certified in accordance with the Act and these Part A rules, or, if unable to certify to the correctness of any of them, promptly report to the MCO in relation to defects

(d) The auditor will have power to place before the MCO any suggestions concerning the financial affairs of the Union.

(e) In the event of an auditor so appointed being unable to act or refusing to act or resigning, the MCO will appoint an auditor qualified in accordance with this rule as a replacement.

48. BANKING/DISBURSEMENT

(a) The MCO may determine in relation to the Union Fund for

(i) deposit it on current account in the financial facility, that the MCO determines;

(ii) deposit it on fixed deposit with any:

(A) bank; or

(B) financial institution carrying on business in the Commonwealth or elsewhere;

(iii) mortgage any:

(A) real; or

(B) personal,

property;

(iv) to subscribe for, or purchase, shares in any Company registered in the Commonwealth or elsewhere

(b) The name of any the account in any financial facility, in relation to which any monies comprising the Union Fund are deposited, must include the words:

(i) *"The Construction, Forestry, Mining & Energy Union, Industrial Union of Employees, Queensland (insert account name)".*

(c) Monies attributed to the Union Fund will be promptly banked by the Union Secretary.

(d) All disbursements of the Union made in accordance with these Part A rules will be made by cheque, direct debit, bank transfer, credit card or other convenient method of payment provided that.

(i) it has been authorised in writing by the Union Secretary and another Union Officer; and

(ii) the expenditure:

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(A) is of a type that has been authorised by the MCC;

(B) the expenditure is within an authorised amount determined by the MCC and to be applied for a particular purpose determined by the MCC; or

(C) the particular transaction has been authorised the MCC.

49. DIVISIONAL AUTONOMY

(a) A Division will, unless these Part A rules otherwise provide, be autonomous in relation to:

(i) matters which do not directly affect the members of another Division;

(ii) its management;

(iii) its investment and use of its Divisional Fund;

(iv) furthering, and attaining, the objects of the Union;

(v) the entrance fees, subscriptions, levies and fines that it requires members of the Division to pay;

(vi) its affiliations;

(vii) its policy;

(viii) the discipline of its members and officers;

(ix) the election of its officers;

(x) the creation of its sub-divisions; and

(xi) the appointment of its workplace delegates.

50. DISPUTE BETWEEN DIVISIONS

(a) Disputes between Divisions as to the attachment of members to Divisions will be determined by the MCC, and the determination of the MCC will be final.

(b) Disputes between Divisions, other than disputes referred to in sub-rule (a), where the parties to the dispute have, together with the Union Secretary, attempted and failed to resolve it will in the first instance be referred to a meeting of the Union Council which may recommend to the MCC as to the resolution of such disputes.

51. LOANS, GRANTS AND DONATIONS

(a) Loans, grants and donations of any amount exceeding $1,000 will not be made by the Union Officers to any one member, pursuant to these Part A rules, unless the MCC has satisfied itself that:

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(i) the making of the loan, grant or donation is in accordance with the rules;

(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

has approved the making of the loan, grant or donation.

52. COMMON SEAL

(a) The common seal of the Union will be kept at the Principal Office in the custody of the Union Secretary

(b) The common seal will be affixed by the Union Secretary to any instrument which is required, or permitted, to be executed under seal.

53. INSPECTION OF RECORDS AND BOOKS

(a) A Member of the Union may inspect the records of the Union in accordance with the provisions of the Act.

54. AFFILIATION

(a) The Union may affiliate to become a member of:

(i) the Queensland Council of Unions;

(ii) a political party representing the interests of the Members;

(iii) industrial bodies which can promote the interests of the Members, and/or

(iv) community bodies which can promote the interests of the Members.

(b) Despite sub-rule (a) nothing prevents a Division from separately affiliating, in the name of the Union and the Division, to such bodies as are provided for in sub-rule (a) or otherwise provided for in the Divisional rules.

(c) In determining to affiliate, the MCO will ensure that the Unions rules are complied with.

(d) All affiliations of the Union must occur so as to ensure that there is no overlap in the payment of affiliation fees where those fees are calculated on a capitation basis.

55. SUSPENSION OR REMOVAL OF UNION OFFICERS

(a) A Union Officer may be removed from office where that officer has

(i) been found guilty under these Part A rules of:

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(A) misappropriation of funds of the Union, or

(B) a substantial breach of the rules of the Union, or

(C) gross misbehaviour or gross neglect of duty;

(ii) ceased, under these Part A rules, to be eligible to hold office.

(b) Any Member of the Union may charge a Union Officer with any of the matters referred to in sub-rule (a).

(c) The Member making a charge will provide the officer charged and the Union Secretary with particulars in writing of the charge.

(d) The charge will be heard and determined by the members of the MCC, with the exception of the officer who is the subject of the charge.

(e) When dealing with a charge the MCC will take all reasonable care to ensure that it is carefully, and fully, dealt with and, in particular, that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge.

(f) The MCC may determine that the charge is to be dealt with by written submissions including such documents as it may require.

(g) The decision as to whether the officer is liable as charged will be made by resolution passed by a majority of the members of the MCC at the meeting called to deal with the matter.

(h) The MCC, where it finds an officer guilty of a charge made in accordance with sub rule (a)(i), as an alternative to removal from office, may:

(i) determine to ensure the officer concerned;

(ii) suspend that officer from that office for a period not exceeding 90 days; and/or

(iii) impose any of the penalties provided for in rule A56 other than expulsion.

(i) The Union Secretary will inform the officer charged of the charge and the particulars of the charge by notice in writing by certified mail in sufficient time to enable the officer to be in a position to properly defend the charge.

(j) In the event that the Union Secretary is charged, the Union President will act in the Union Secretary's place for the purposes of this rule.

(k) The provisions of rule A56 apply to the hearing of any charge or allegation (under this rule).

56. OFFENCES AND PENALTIES

(a) Charges by Members

(i) Any Member may charge any other member with

(A) failing to observe any or all of these Union rules;

(B) knowingly failing to observe any resolution of the Union binding upon them;

(C) giving false or misleading information to:

(1) the MCO, or

(2) a Union Officer,

on any matter;

(D) obstructing:

(1) the MCO; or

(2) a Union Officer,

in any way in the performance of any the functions of the Union;

(E) obstructing any Union Officer in the course of the Union Officer's duties;

(F) wrongfully holding themself out as occupying any office or position in the Union, or as being entitled to represent the Union in any capacity provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or capacity;

(G) bringing the Union into disrepute;

(H) aiding or encouraging any other member or person to breach these Union rules

(b) Processing of Charges

(i) Any charge will be made in writing to the Union Secretary and will be accompanied by the sum of $1,000.00 which, subject to sub-rule (e), will be refundable.

(ii) The Union Secretary may, and will, if directed by the MCO, summon the member charged before the MCO and in the case of the Union Secretary being charged the Union President will, if directed by the MCO, summon the Union Secretary before the MCO.

(iii) The summons will:

(A) be in writing; and

(B) set out the time and place of the hearing; and

(C) set out the name of the person laying the charge; and

(D) set out the particulars of the charge.

(iv) If the member charged requests it the member will be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(v) The member charged will be given such notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the Union Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the MCQ will consider the charge made against the member.

(vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be heard, whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the MCQ for their absence then the MCQ will adjourn the hearing of the matter to another time and/or place.

(vii) If the member charged attends the member will be informed of the substance and source of any information adverse to them on which the MCQ relies.

(viii) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themself and may, if the member wishes, provide written submissions to the MCQ.

(c) Power to hear Charges

(i) The MCQ will have power to hear and determine charges under this rule.

(d) Findings of the MCQ

(i) If the MCQ finds the member guilty, it may subject to rule A55 do one or more of the following:

(A) impose no penalty;

(B) fine the member any sum not exceeding $1000.00;

(C) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act, provided that whilst suspension from membership will deprive a member of the benefits of membership it will not relieve the member of the obligations of membership and

such suspension will not exceed 6 months for any offence and provided further that if the specified event has not occurred or the specified act has not been done at the expiration of 6 months from the date of suspension, the suspension will then lapse;

(D) expel the member from the Union.

(e) Frivolous Charges

(i) If upon investigation the charge is found to be frivolous the $1,000.00 will be forfeited to the Union.

(f) Payment of Fines

(i) Where a member is fined in accordance with this rule, the member will be required to pay such fine within 10 days of having been notified, in writing, of the imposition of the fine

57. MAKING OR ALTERATION OF UNION RULES

(a) The MCQ has, subject to this rule, power to amend these Part A rules by resolution carried by a ¾ majority of the members of the MCQ.

(b) Despite sub-rule (a) an amendment to the Part A rules cannot occur unless each Division, by its management committee, consents to the amendment concerned.

(c) Notice of a proposal to amend the Part A rules must be given in writing to each member of the MCQ at least 10 days prior to the meeting of the MCQ that considers the resolution, unless each member of the MCQ consents to waive notice.

(d) Notwithstanding the provisions of sub-rule (a), the MCQ does not have the power to amend the Part A rules providing for attachment of members of the Union to a Division unless each of the Divisions, by a ¾ majority, vote of the management committees of the respective Divisions approves the amendment.

(e) The Part B and C rules may only be amended by the respective Division in accordance with the rules of that Division.

(f) When advised of an amendment of the rules of a Division by the Divisional Secretary of the Division concerned, the Union Secretary will promptly make application to the Registrar for certification of that amendment

58 PLEBESCITE

(a) The Union Secretary will, on receipt of a request in writing signed by 10 per cent of the Members, direct the conduct of a plebiscite of the Members on a matter concerning the Union.

(b) The MCQ may direct the conduct of a plebiscite of the Members on a matter concerning the Union.

(c) A plebiscite to be held in accordance with sub-rules (a) and (b) will be conducted by secret ballot by the Union Returning Officer in accordance with this rule and will be completed, in the case of a plebiscite under sub-rule (a) within 60 days of the receipt by the Union Secretary of the request and in the case of a plebiscite under sub-rule (b) within 40 days of the direction of the MCQ.

(d) Where a request has been received under sub-rule (a) or a direction given under sub-rule (b), the MCQ will not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.

(e)

(i) Where a majority of Members voting at a plebiscite approve the matter submitted to plebiscite, the matter will be carried out and the MCQ will, as far as is practicable, implement the decision of the plebiscite.

(ii) In the event of a tied plebiscite the proposal is declared lost.

(f) Where a request is received under sub-rule (a) or a direction given under sub-rule (b), the Union Secretary will advise the Union Returning Officer and the Union Returning Officer will direct the conduct of the plebiscite and take all necessary steps to ensure the secrecy of the ballot.

(g) The Union Returning Officer will determine the opening and closing dates of the ballot.

(h) The MCQ and, where the plebiscite is held following a request pursuant to sub-rule (a) of this rule, the Members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and will, before the opening of the ballot, advise the Union Returning Officer of the name of each scrutineer they appoint.

(i) The Union Returning officer will:

(i) on the opening of the ballot forward or cause to be forwarded by prepaid post or otherwise to each Member, a ballot paper bearing the Union Returning Officer's signature together with a reply paid return envelope addressed to the Union Returning Officer at the Union Returning Officer's address for the purpose of the conduct of the plebiscite;

(ii) give directions to voters as the Union Returning Officer considers necessary;

(iii) give a direction that a voter must not make any mark on the ballot paper which will identify them and that any mark of that type will render the vote invalid;

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(h) provide for a method of permitting Members to vote whilst preserving the secrecy of the ballot.

(j) Subject to sub-rule (k) a scrutineer appointed under sub-rule (h) may be present during the conduct of the ballot by the Union 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 must observe a direction given by the Union Returning Officer during the conduct of the ballot and will comply with any decision given by the Union 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 will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under sub-rule (i) in accordance with the directions to voters and forwarding the ballot paper to the Union Returning Officer so as to reach the Union Returning Officer no later than the closing date of the ballot

(m) A vote cast in the ballot will 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 Union Returning Officer will declare the result of the plebiscite by advising the Union Secretary in writing of the number of ballot papers forwarded to voters, the numbers approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

(o) The outcome of the plebiscite is binding on the MCG.

(p) Provided that upon the MCG receiving a request in writing for a plebiscite it may, where the proposal contained in the request in writing for a plebiscite is capable of adoption by it, of its own motion adopt the proposal contained in the request in writing for a plebiscite and the adoption of the proposal contained in the request in writing for a plebiscite means that no plebiscite is required.

56. DISSOLUTION OF THE UNION

(a) The Union will not be dissolved unless all of the existing Divisions agree.

(b) A Division will be dissolved if the number of financial members of that Division is reduced to 21 Members or less.

(c) Where a Division is dissolved and the Union continues, the property of that debund Division is to be vested in the Divisions to which the members of the debund Division are allocated

(d) Whilst 7 members remain, the Union will not be dissolved.

(e) Should the number of members at any time fall below 7, the Union will be dissolved.

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(f) In the event of a dissolution, all monies and property, after payment of all debts, will be held in trust by the Union Officers in a separate fund until a new union containing 7 or more members can be formed, and the monies and property held in trust will then be applied to the new union

60. STANDING ORDERS

(a) The following procedures will be adhered to as far as practicable at all meetings of the Union held in accordance with these Part A rules.

(b) The chair will take the chair for the meeting and upon ascertaining that a quorum is present will then declare the meeting open for the transaction of business, provided that if no quorum is present within 15 minutes, the meeting will not proceed to business.

(c) The standing order for meetings will be:

(i) attendance and apologies;

(ii) business as notified;

(iii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;

(iv) correspondence;

(v) financial statements and accounts;

(vi) reports;

(vii) general business on notice.

(d) A motion on notice will be required to suspend the standing orders at a meeting.

(e) Any person seeking to suspend the standing order will give notice, in accordance with these rules, to the Union Secretary.

(f) A person, having relevant rights pursuant to these rules, may 5 days prior to a meeting give notice of a motion to be moved at that meeting by handing a copy of the motion to the Union Secretary.

(g) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

(h) No notice of motion entered on the notice paper will be proceeded with unless the person who has given such notice is present when the business is called in its order.

(i) No notice of motion will proceed unless it is seconded.

(j) Notices of motion not proceeded with will be struck out.

(k) No new business will be taken later than 3 hours after the commencement of a meeting unless an extension of time is granted by the meeting.

(l) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

61. RULES OF DEBATE

(a) The following rules of debate will be adhered to as far as prac[illegible]able at all meetings of the Union held in accordance with these Part A rules.

(b) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.

(c) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.

(d) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair

(e) No Member will address the meeting unless, and until, called upon by the chair.

(f) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease [illegible] so that the chair may be heard without interruption.

(g) The chair will call to order any speaker who departs from the question or who violates the courtesies or rules of debate.

(h) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(i) All motions will be determined in the following manner:

(i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;

(ii) the seconder of a motion and all other speakers will be limited to 3 minutes;

(iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;

(iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later;

(v) after the motion has been moved and seconded, no more than 2 members will speak in succession on one side, either for or 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 will at once be put to the meeting, subject to part (i) of this sub-rule.

(j) All votes at meetings will be subject to the following:

(i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;

(ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 3 Members;

(iii) the chair will then declare the motion carried or lost.

(k) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

(l) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:

(i) all amendments must be seconded;

(ii) a motion may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;

(iii) the effect of any proposed amendment cannot be to establish a direct negative to the question contained in the motion;

(iv) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;

(v) all amendments will be put before the original motion,

(vi) the mover of an amendment will not have a right of reply;

(vii) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (h) .

(m) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.

(n) Where an amendment is proposed a member may speak for or against the proposed amendment.

(o) Any member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the member interrupting must not enter into argument.

(p) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration, to rise and move, "that the question be now put" but no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.

(q) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.

(r) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question will be closed and the chair will then call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.

(s) A motion may be dealt with by:

(i) adoption as moved,

(ii) rejection as moved,

(iii) adoption after amendment of the subject matter

(t) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:

(i) "The Order of the Day", i.e., that the next business in order be now taken;

(ii) postponement of the question, either to a definite time or a time to be fixed;

(iii) reference to a committee;

(iv) adjournment:

(A) of the debate;

(B) of the meeting.

(u) A motion for adjournment:

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(i) may be moved and seconded at any time during the meeting,

(ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;

(iii) provides no right of reply for the mover of the motion;

(iv) will be successful if carried by a majority of Members present.

(v) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

(vi) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

(vii) Any Member may rise to a point of order when the member considers the rules of debate to have been violated provided that the member must submit the "point of order" to the chair, who will dec... the question as prescribed in sub-rule (v).

(y) Upon the point of order being raised, the Member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.

(z) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.

(aa) On the motion of dissent being seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these Part A rules, in the absence of the chair.

(bb) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.

(cc) The procedure to determine a motion of dissent will be as follows:

(i) the Member moving the motion of dissent will be given 5 minutes to support the motion;

(ii) the chair will be given 5 minutes to defend their ruling;

(iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

(dd) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded

(ee) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member will have given notice at a previous meeting.

(ff) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting.

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(gg) The vote on such proposition when ascertained will then be taken without discussion.

62. TRANSITIONAL

(a) The purpose of this rule is to provide for

(i) the amalgamation of the CFMEUQ, the FEDFAQ and the QCEUE to constitute the amalgamated union;

(ii) the conduct of the first election for the offices of the Division and District in the year 2016;

(iii) the conduct of the first election for the offices of the amalgamated union in the year 2014;

(b) In this rule the following words have the meaning assigned:

(i) "Amalgamation Day" means the date prescribed by the Industrial Relations Commission as the day of amalgamation for the CFMEUQ, the FEDFAQ and the QCEUE

(ii) "Amalgamated Union" means the union formed by the amalgamation of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ"), the Federated Engine Drivers' and Firemens' Association of Australasia Queensland Branch, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE")

(iii) "CFMEUQ" means The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(iv) "Coal and Metalliferous Division" means the Queensland Coal, Metalliferous and Energy Division of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees,

(v) "District" means the Mining, Energy and Ports District of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(vi) "FEDFAQ" means the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(vii) "inaugural election" means the first quadrennial elections to be conducted in accordance these Union rules in 2016;

(viii) "QCEUE" means the Queensland Colliery Employees Union of Employees;

(ix) "State Division" means the State Construction and General Division of The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(x) "the Construction and General Division" means the Construction and General Division of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(xi) "Workplace Representative" means members appointed as workplace representatives in accordance with the Part B and C rules.

(c) This rule will apply notwithstanding any other provisions of these rules.

(d) The Part A, B and C rules will commence to operate on, and from, Amalgamation Day.

(e) The Amalgamated Union and its members will comply with the rule changes effected on Amalgamation Day severably as provided for in this rule.

(f) All persons who were, on the day immediately preceding Amalgamation Day, members of the CFMEUQ will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the Construction and General Division.

(g) All persons who were, on the day immediately preceding Amalgamation Day, Honorary members of the CFMEUQ will on Amalgamation Day be Honorary members of the Amalgamated Union without the payment of a further fee, attached to the Construction and General Division.

(h) All persons who were, on the day immediately preceding Amalgamation Day, Retired members of the CFMEUQ will on Amalgamation Day be Retired members of the Amalgamated Union without the payment of a further fee, attached to the Construction and General Division.

(i) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Construction and General Division will on Amalgamation Day be a Member of the Amalgamated Union without the payment of a fee attached to the Construction and General Division.

(j) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Construction and General Division who had been granted a life membership will on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the Construction and General Division.

(k) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Queensland Coal, Metalliferous & Energy Division on Amalgamation Day be members of the Amalgamated Union without the payment of a fee attached to the Mining, Energy and Ports Division.

(l) All persons who were, on the day immediately preceding Amalgamation Day, Life Members of the FEDFAQ attached to the Queensland Coal, Metalliferous & Energy Division on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the Mining, Energy and Ports Division.

(m) All persons who were, on the day immediately preceding Amalgamation Day, members of the BCEUE will on Amalgamation Day be members of

the Amalgamated Union without the payment of a further fee, attached to the Mining, Energy and Ports Division.

(n) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (m), will:

(i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of respectively the CFMEUQ, the FEDFAQ or the QCEUE as the case may be; and

(ii) will, following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

(o) A member of the Amalgamated Union, who becomes a member, on or following Amalgamation Day, other than pursuant to sub-rules (f) – (m), is liable to pay subscriptions and fees in accordance with the Part B and C rules.

(p) A member of the Amalgamated Union on, and from, Amalgamation Day is liable to pay levies and fines in accordance with the Part B and C rules

(q) The subscriptions and fees to be paid by members of the Amalgamated Union subsequent to Amalgamation Day will be:

(i) for members who were members of the CFMEUQ on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day;

(ii) for members who were members of the FEDFAQ attached to the Construction and General Division on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day;

(iii) for members who were members of the FEDFAQ attached to the Queensland Coal, Metalliferous & Energy Division on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day; and

(iv) for members who were members of the QCEUE on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day.

(r) For entrants to the Amalgamated Union, who were not members of the CFMEUQ or the FEDFAQ on the day prior to Amalgamation Day, and who are attached to the Construction and General Division, an amount equivalent to the level of fees of members of the CFMEUQ on the day prior to Amalgamation Day.

(s) For entrants to the Amalgamated Union, who were not members of the FEDFAQ or the QCEUE on the day prior to Amalgamation Day, and who are attached to the Mining, Energy and Ports Division, an amount equivalent to the level of fees of members of the CFMEUQ attached to the Mining, Energy and Ports Division on the day prior to Amalgamation Day.

(t) This rule does not prevent the State Divisional Executive being able to determine the level of subscription fees in relation to members attached

to the Construction and General Division in accordance with the Part B rules.

(u) This rule does not prevent the District Board being able to determine the level of subscription fees in relation to members attached to the Mining, Energy and Ports Division, in accordance with the Part C rules.

(v) A member of the Amalgamated Union who was on the day preceding Amalgamation Day an unfinancial member of the CFMEUQ, the FEDFAQ or the QCEUE will remain unfinancial until the member becomes financial in accordance with the Part B or C rules, whichever of the Part B or C rules is applicable to the member.

(w) The MCQ will on Amalgamation Day attach entrants to the Amalgamated Union, who were not members of the CFMEUQ, the FEDFAQ or the QCEUE on the day prior to Amalgamation Day to the respective Industry Division to which they are to be attached in accordance with rule 9 of these Part A rules.

(x) On and from Amalgamation Day and up to the date members take office at the Inaugural Election the offices set out in column A will be held by the Members set out in column B:

A	B
Union President	Lieutenant President of the Mining, Energy and Ports District
Union Vice-President	State Divisional President of the Construction and General Division
Union Secretary	State Secretary of the Construction and General Division
Union Assistant Secretary	District Secretary of the Mining, Energy and Ports District
Members of Union Council	Members of the Divisional Executive of the Construction and General Division And Members of the District Board of the Mining, Energy and Ports District
Part B – Construction & General Division	
State Divisional President	State President of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Vice-President	State Vice President of the CFMEUQ on the day immediately preceding Amalgamation Day.

State Secretary	State Secretary of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Assistant Secretary	Assistant State Secretary of the CFMEUQ on the day immediately preceding Amalgamation Day
State Divisional Council Members	Members of the State Executive of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Executive Members	Members of the State Executive of the CFMEUQ on the day immediately preceding Amalgamation Day.
Part C – Mining, Energy & Ports District	
District President	Divisional President of the Coal and Metalliferous Division on the day immediately preceding Amalgamation Day.
District Executive Vice-President	Divisional Executive-Vice President of the Coal and Metalliferous Division on the day immediately preceding Amalgamation Day.
District Vice-Presidents	Divisional Vice Presidents of the Coal and Metalliferous Division on the day immediately preceding Amalgamation Day.
District Secretary	Divisional Secretary of the Coal and Metalliferous Division on the day immediately preceding Amalgamation Day.
Members of the District Convention	Members of the Divisional Convention on the day immediately preceding Amalgamation Day

(3)

(a) The Members of the CFMEUQ who were on the day prior to Amalgamation Day attached to a sub-branch of the CFMEUQ as set out in column A will on, and from, Amalgamation Day and

subject to the Part B rules be attached to the sub-branch of the Construction and General Division as set out in column B.

(iii) The Members of the FEDFAC Construction and General Division who were on the day prior to Amalgamation Day attached to a sub-branch of the FEDFAC Construction and General Division as set out in column A will on, and from, Amalgamation Day subject to the Part B rules be attached to the sub-branch of the Construction and General Division as set out in column B.

(ii) The Members of the FEDFAC Queensland Coal, Metalliferous & Energy Division who were on the day prior to Amalgamation Day attached to a sub-branch of the FEDFAC Queensland Coal, Metalliferous & Energy Division, as set out in column A, will on and from Amalgamation Day subject to the Part C rules be attached to the Lodge of the Mining, Energy and Ports Division as set out in column B.

(iv) The Members of the QCEUE who were on the day prior to Amalgamation Day attached to a Lodge of the QCEUE, as set out in column A, will on, and from, Amalgamation Day subject to the Part A rules be attached to the Lodge of the Mining, Energy and Ports Division as set out in column B.

A	B
QCEUE	
Brisbane	Brisbane
Cairns	Cairns
Dalby	Dalby
Fraser Coast	Fraser Coast
Gladstone	Gladstone
Gold Coast	Gold Coast
Gympie	Gympie
Ipswich	Ipswich
Mackay	Mackay
Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	Toowoomba
Townsville	Townsville
Warwick	Warwick
FEDFAC Construction and General Division	
Brisbane	Brisbane

Cairns	Cairns
Dalby	Dalby
Fraser Coast	Fraser Coast
Gladstone	Gladstone
Gold Coast	Gold Coast
Gympie	Gympie
Ipswich	Ipswich
Mackay	Mackay
Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	Toowoomba
Townsville	Townsville
Warwick	Warwick
FEDFAQ Queensland Coal, Hydrocarbons & Energy Division	
No current Sub-branches	
QCEUE	
Burton Downs	Burton Downs
Collinsville	Collinsville
Coppabella	Coppabella
Eaglefield	Eaglefield
Millennium	Millennium
Moorvale	Moorvale
Newlands Opencut	Newlands Opencut
Newlands Underground	Newlands Underground
North Goonyella	North Goonyella
Sonoma Leighton	Sonoma Leighton
South Walker Creek	South Walker Creek
Boom Logistics	Boom Logistics

Broadmeadow BMA	Broadmeadow BMA
Carborough Downs	Carborough Downs
Goonyella Riverside BMA	Goonyella Riverside BMA
MacMahons Goonyella Riverside	MacMahons Goonyella Riverside
Moranbah North	Moranbah North
Peak Downs	Peak Downs
Blair Athol	Blair Athol
Bundoora	Bundoora
Foxleigh	Foxleigh
German Creek Open Cut	German Creek Open Cut
Grasstree	Grasstree
Norwich Park	Norwich Park
Oaky Creek No 1	Oaky Creek No 1
Oaky North	Oaky North
Saraji	Saraji
Callide Valley	Callide Valley
Crinum	Crinum
Gregory	Gregory
Moura	Moura
RUG Mining Crinum	RUG Mining Crinum
Yongala (Ensham)	Yongala (Ensham)
Blackwater No 1	Blackwater No 1

Curragh	Curragh
Curragh North	Curragh North
Jellinbah	Jellinbah
Commodore Open Cut	Commodore Open Cut
Kogan Creek Coal Mine	Kogan Creek Coal Mine
Kogan Creek Power Station	Kogan Creek Power Station
New Acland	New Acland
Tarong Coal Mine	Tarong Coal Mine
West Moreton	West Moreton
Wilkie Creek	Wilkie Creek
Abbot Point Bulk	Abbot Point Bulk
Collide Power	Collide Power
Gladstone Port Authority	Gladstone Port Authority
Gladstone Power Station	Gladstone Power Station
Hay Point	Hay Point
Orica Queensland	Orica Queensland
Old Bulk Handling	Old Bulk Handling
State Member	State Member
Swanbank Power	Swanbank Power
Tarong Power Station	Tarong Power Station
Valley Longwall	Valley Longwall
Weipa	Weipa

(z) If on Amalgamation Day a person holds an office provided for by this rule is not available for any reason to hold an office referred to in this rule that operates on and from Amalgamation Day or has declined to hold an office that operates on and from Amalgamation Day referred to in this rule, then the WCQ is empowered to fill the vacancy, subject to the Act, by an appointment of a person otherwise qualified by these rules to hold the office.

(aa) Quadrennial elections will occur in respect of all offices of the Amalgamated Union in:

(i) Part A – 2012;

(ii) Part B – 2016;

(iii) Part C – 2016,

, and every four years thereafter.

(bb) On, and from, Amalgamation Day the rules that apply to the sub-branches of the Construction and General Division will, subject to the Part B rules, be those rules set out in Schedule 1 to the Part B rules.

(cc) As soon as is practicable following amalgamation day the Union Secretary, the State Secretary and the District Secretary will call meetings of their respective bodies in accordance with the Part A, Part B or Part C rules, as the case may be.

(dd) A person who, on the day immediately prior to Amalgamation Day, is a financial member of the CFMEUQ, the FEDFAQ or the QCEUE will remain a financial member of the Amalgamated Union for the same period of time that they would have been, but for the Amalgamation, a financial member of the CFMEUQ, the FEDFAQ or the QCEUE, as the case may be

(ee) For the purpose of the rules of the Amalgamating Union, financial membership of the CFMEU will be continuous with the period the person was a financial member, respectively of the CFMEUQ, the FEDFAQ or the QCEUE, as the case may be.

(ff) Workplace Representatives of the CFMEUQ, the FEDFAQ or the QCEUE will on Amalgamation Day be Workplace Representatives of the Amalgamated Union

(gg) The funds held in the Funds identified in column A on the day immediately prior to Amalgamation Day will on, and from, Amalgamation Day be held in the Funds identified in column B as provided for in the Part A, B or C rules referred to in column B.

A	B
FEDFAQ Union Fund	A Union Fund
FEDFAQ Queensland Coal, Metalliferous and Energy Division Divisional Fund	C District Fund
FEDFAQ Construction and General Division Divisional Fund	B Divisional Fund

CFMEUQ Union Fund	B Divisional Fund
QCEUE Union Fund	C District Fund
QCEUE Mortuary Benefit Fund	C Mortuary Benefit Fund

(hh) The liabilities of the CFMEUQ on the day preceding Amalgamation Day will become the liabilities of the Construction and General Division on Amalgamation Day.

(ii) The liabilities of the Construction and General Division of the FEDFAQ on the day preceding Amalgamation Day will become the liabilities of the Construction and General Division on Amalgamation Day.

(jj) The liabilities of the Queensland Coal, Metalliferous & Energy Division of the FEDFAQ will become the liabilities of the Mining, Energy and Ports Division on Amalgamation Day.

(kk) The liabilities of the QCEUE will become the liabilities of the Mining, Energy and Ports Division on Amalgamation Day.

(ll) Any affiliation to a state or national organisation by the CFMEUQ, the FEDFAQ or the QCEUE will be maintained by the Amalgamated Union subject to these rules

(mm) Any proceedings commenced, prior to Amalgamation Day, in the name of the CFMEUQ, the FEDFAQ or the QCEUE will on, and from, Amalgamation Day be continued in the name of the Amalgamated Union.

(nn) Any proceedings commenced pursuant to the CFMEUQ rules prior to Amalgamation Day, against a member of the CFMEUQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules

(oo) Any proceedings commenced pursuant to the FEDFAQ rules prior to Amalgamation Day, against a member of the FEDFAQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(pp) Any proceedings commenced pursuant to the QCEUE rules prior to Amalgamation Day, against a member of the QCEUE will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules

(qq) Any member of the CFMEUQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the CFMEUQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the CFMEUQ, has elapsed

(rr) Any member of the FEDFAQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the FEDFAQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the FEDFAQ, has elapsed.

(ss) Any member of the QCEUE suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the QCEUE, will

continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the QCEUE, has elapsed.

(tt) The Returning Officer of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Returning Officer of the Amalgamated Union.

(uu) The Auditor of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the Construction and General Division.

(vv) The Auditor of the QCEUE on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the Mining, Energy and Ports Division.

(ww) The books, papers, accounts, financial statements, records, documents, computer records and registers of the CFMEUQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(xx) The books, papers, accounts, financial statements, records, documents, computer records and registers of the FEDFAQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) The books, papers, accounts, financial statements, records, documents, computer records and registers of the QCEUE as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(zz) Except as otherwise provided for in this rule, this rule may be altered by resolution of the MCQ provided that of the votes cast ¾ of the total vote are cast in favour of any alteration.

PART B RULES

1. NAME

(a) The name of the State Division is the State Construction and General Division.

2. PRINCIPAL OFFICE

(a) The principal office of the State Division is 14-16 Campbell Street, Bowen Hills, or such other place as the State Divisional Council may determine.

(b) The principal office is the place of meeting for the purposes of conducting the business of the State Division except where the State Division Executive directs otherwise.

(c) The principal office of the State Division will be open during business hours.

(d) The State Secretary will keep the registers that must be kept in accordance with these State Divisional rules, the Union's rules or the Act at the principal office of the State Division.

3. DEFINITIONS

(a) In these Part B rules, unless the contrary intention appears:

(i) "Act" will mean the Industrial Relations Act 1999;

(ii) "CFMEU" means The Construction, Forestry Mining and Energy Union.

(iii) "counterpart federal body" means the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch;

(iv) "direct debit" means a scheme where a member provides written authority for contributions payable to the State Division to be deducted, on such regular basis as the State Secretary agrees, from the member's bank account, similar debit account or credit card;

(v) "election procedures" means the procedures provided by rules B29 to B60 of these State Divisional rules;

(vi) "full time" means employed in relation to the State Division for 36 hours or more in any week;

(vii) "Honorary Member" means a Member of the State Division who has applied for and been granted honorary membership pursuant to these State Divisional rules;

(viii) "Life Member" means a member of the State Division who has been appointed as a Life Member pursuant to these State Divisional rules;

(ix) "Member" will mean a member of the State Division who is financial, unless the context clearly provides otherwise, in accordance with rule B7 and includes Honorary Members;

(x) "Office" means, the office of;

(A) State Divisional President;

(B) State Divisional Vice-President;

(C) State Secretary;

(D) State Divisional Assistant Secretary;

(xi) "Officers Register" means the register kept in accordance with rule B12(d);

(xii) "payroll deduction scheme" means a scheme where a member provides written authority to their employer for contributions payable to the State Division to be deducted, on such regular basis as the State Secretary agrees, from the member's bank account, similar debit account or credit card;

(xiii) "Policy" means policy determined by the State Division;

(xiv) "principal office" means the place of business provided for by rule B2;

(xv) "Register" means the register of members maintained by the State Secretary in accordance with rule B12(a);

(xvi) "State Division" means the State Construction and General Division;

(xvii) "State Divisional Assistant Secretary" means any or all, as the case may be, of the State Divisional Assistant Secretaries unless a rule expressly provides otherwise;

(xviii) "State Divisional Executive" means the committee of management of the State Division as provided by rule B19;

(xix) "State Divisional Journal" means a publication produced, or adopted, by the State Division and which is provided free of charge to the Members by means of print or electronic media;

(xx) "State Secretary" means the secretary of the State Division;

(xxi) "Sub-branch" means a branch of the State Division;

(xxii) "Union" means The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

(b) In these Part B rules,

(i) a reference to the performance of a duty by an officer is inclusive of a reference to the officer causing the duty to be discharged and/or inclusive of the duty being discharged by any other officer holding the written delegation of the relevant officer or the State Executive;

(ii) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(iii) where the last day of any period prescribed or allowed by these Part B rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iv) the singular includes the plural and the plural includes the singular;

(v) a reference to the State Division's callings is a reference to those callings contained in part "A" of the Union's registered callings;

(vi) a reference to a statute includes any:

(A) statute amending, consolidating or replacing the statute; and

(B) regulation made under the statute as that regulation is in force from time to time;

(vii) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced;

(viii) headings will not be taken into account in interpreting these Part B rules;

(ix) a reference to a "rule" is, unless the context clearly indicates otherwise, a reference to a rule of these Part B rules;

(x) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(xi) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xii) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part B rules and that schedule is a part of these Part B rules;

(xiii) a reference to "administrative regulations", unless the context clearly indicates otherwise, is a reference to administrative regulations to these Part B rules and those administrative regulations are a part of these Part B rules;

(xiv) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June in the year next following;

(xv) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

(xvi) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm.

(c) A reference in a Schedule to these Part B rules to the "rules" is a reference to these Part B rules and all words and phrases in the Schedule have the same meaning as those words and phrases have in these Part B rules.

(d) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows.

(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the C&G Division;

(iii) Part C – the rules that provide for the MEAP District.

and a reference to one of these parts is a reference respectively to parts (i) to (iii);

(iv) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(v) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vi) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(vii) a reference to Divisional rules is a reference to the rules of the Divisions;

(viii) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules;

(ix) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules.

4. APPLICATION FOR MEMBERSHIP

(a) Applications for membership of the State Division will be:

(i) in the form determined by the State Divisional Executive (for this rule the "application form"); and

(ii) signed by the applicant.

(b) The State Division may publish the application form, determined pursuant to sub-rule (a), by the means it considers appropriate.

(c) The State Division may, without limitation to sub-rule (b), publish, and accept, applications for membership by means of the internet, and in relation to any applications received by means of the internet the provisions of the Electronic Transactions (Queensland) Act 2001 apply and an applicant for membership will be taken to have signed the application form if the requirements of s14 of the Electronic Transactions (Queensland) Act 2001 are met.

(d) No omission, irregularity or want of form will invalidate an application for membership provided that:

(i) the applicant for membership intended the document they submitted to the State Division to be an application for membership; and

(ii) the State Division treated the document submitted as an application form for membership.

(e) An applicant for membership will, on the membership application form, state which classification in the applicant for membership considers to be their appropriate classification.

(f) All applications for membership are to be delivered to the State Secretary, provided that they may be lodged by means of the internet.

(g) An applicant for membership is accepted, subject to sub-rule (h), when the application is received by the State Secretary.

(h) The State Secretary may refer an application for membership, where the State Secretary has concerns in relation to:

(i) the applicant's bona fides; and/or

(ii) their stated classification,

to the State Divisional Executive for its determination.

(i) Applications for membership, referred in accordance with sub-rule (h) will be considered by the State Divisional Executive, who will, if satisfied with the bona-fides and/or classifications of the applicant for membership, admit the applicant for membership to membership of the State Division.

(j) The State Divisional Executive may reject an application for membership if they do not accept the applicant is bona fide and/or the classifications do not permit membership of the State Division, provided that where an application for membership is rejected any monies paid by the applicant for membership will be reimbursed to the applicant for membership.

(k) The State Divisional Executive may, when considering an application for membership pursuant to sub-rule (j) make a determination as to the classification of the applicant for membership.

(l) The classification determined in accordance with sub-rule (k), will:

(i) be for the purpose of determining the eligibility of each member to nominate for election to any office within the State Division where election to an office is dependent upon members having a particular classification;

(ii) be conclusive; and

(iii) bind the State Divisional Returning Officer.

(m) Applicants for membership will, when admitted to membership in accordance with this rule, enjoy all the advantages of membership of the State Division so long as they comply with these State Divisional rules and the Union's rules.

(n) The State Secretary will promptly advise the Union Secretary of:

(i) admission to membership of new members of the State Division; and

(ii) particulars relating to the new members admitted which are required for completion of the Union Register

5. ENTRANCE FEE

(a) The State Division may require the payment of an entrance fee in such amount as the State Divisional Executive determines

(b) The State Division may require the payment of a re-entrance fee in such amount as the State Divisional Executive may determine, provided that:

(i) an applicant for membership who has no arrears of contributions, levies, fines or fees standing against them from a previous period of membership may be required to pay an entrance fee, but not more than 3 months contributions; or

(ii) an applicant who has arrears of contributions, levies, fines or fees standing against them from a previous period of membership may be required to pay an entrance fee, but not more than the equivalent of 12 months contributions.

6. SUBSCRIPTIONS

(a) The annual subscription payable by each member will be fixed by the State Divisional Council on the recommendation of the Divisional Executive.

(b) All members over 65 years of age who have had 25 years' continuous membership in the State Division, who through physical infirmities are unable to work continuously in the State Division's callings, may become an Honorary Member by:

(i) making application to the State Secretary; and

(ii) paying a fee of $50, or other amount as may be determined by the State Divisional Executive.

(c) An Honorary Member has, subject to rule B11, the rights provided to financial members pursuant to rule B8.

(d) A member who was more than 50 years of age when admitted to membership of the State Division, is not entitled to the benefit of sub-rule (c) but will, on the payment of the application fee to the State Secretary be entitled to receive the State Divisional Journal.

(e) Half year terms begin on the first day of April and October, respectively.

(f) An applicant admitted to membership of the State Division during the currency of any half-year will be credited in the subsequent half-year for such period of the half-year as had elapsed before the applicant was admitted, with the credit being calculated on a monthly basis.

6A. LEVIES

(a) The State Divisional Council may, subject to sub-rule (d) set a levy for payment by members:

(i) of the State Division; or

(ii) of a Sub-Branch; or

(iii) who follow a particular calling of the State Division,

provided that any levies set pursuant to parts (ii) or (iii) may only be utilised, respectively, for the benefit of the Members in the Sub-Branch or who follow the callings concerned.

(b) Levies are to be paid at the same time as subscriptions and may be paid by the following means:

(i) cash;

(ii) cheque/money order;

(iii) credit card, or

(iv) direct debit.

(c) Despite sub-rule (b) where the levy is an amount of less than $50.00 it will be paid as a single payment by the following means:

(i) cash,

(ii) cheque/money order;

(iii) credit card; or

(iv) direct debit.

(d) The State Divisional Council will determine whether or not members who are apprentices or trainees must pay any levy set pursuant to sub-rule (a).

7. FINANCIAL MEMBERSHIP

(a) Any member who fails to pay entrance fees, re-entrance fees, subscriptions, fines and levies in accordance with these State Divisional rules in advance of the half year terms, ending 31 March and 30 September respectively, for the half year term immediately following will, subject to rule 39, be unfinancial.

(b) Notwithstanding sub-rule (a), any person who has

(i) been accepted as a member; and

(ii) paid the entrance fee; and

(iii) commenced - a &:

(A) pay roll deduction scheme; or

(B) a direct debit scheme; and

(iv) remained on the pay roll deduction or direct debit scheme for a period in excess of 26 weeks; and

(v) been financial on the last day of the previous half year term,

will be a financial member whilst such deductions are continued.

(c) The State Divisional Executive may purge from the Register of Members unfinancial members from the member of the Division.

(d) The State Secretary will advise the Union Secretary of the name of any member purged from membership and the date of the member being purged.

8. RIGHTS OF MEMBERS

(a) Only Members, being financial, are entitled to any of the benefits and privileges of membership

(b) Only Members are entitled to:

(i) attend meetings of the State Division;

(ii) move, or second, resolutions of the State Division;

(iii) speak at any meeting of the State Division;

(iv) vote in any ballot, or plebiscite, of the State Division;

(v) nominate, or second, nominations for office of the State Division;

(vi) hold office in the State Division;

(vii) receive the State Divisional Journal, or any other publication of the State Division, free of charge;

(viii) receive the Union Journal, or any other publication of the Union, free of charge; and/or

(ix) participate in the business of the State Division or the Union.

(c) Life Members are entitled to:

(i) attend meetings of the State Division;

(ii) move, or second, resolutions of the State Division;

(iii) speak at any meeting of the State Division, and/or

(iv) receive the State Divisional Journal, or any other publication of the State Division, free of charge.

9. WAIVER OF FEES

(a) The State Divisional Executive may determine to waive the whole, or any part, of:

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions;

(iv) contributions;

(v) fines;

(vi) levies; and/or

(vii) arrears,

for a member, or group of members, where the State Divisional Executive considers it is appropriate, and to the benefit of the State Division, to do so.

10. RESIGNATION OF MEMBERS

(a) A member may terminate membership of the State Division by written notice addressed and delivered to the State Secretary.

(b) Notification of resignation is given if it is:

(i) left at the principal office of the State Division; or

(ii) it is addressed to the State Division, or any officer of the State Division, and is sent to the office of the State Division.

(c) If a member specifies in their notification a day or time at which the resignation from the State Division is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member terminates on the day, or at the time, specified and not before, unless membership is sooner terminated by the State Division in accordance with these State Divisional rules.

(d) Termination of membership by resignation does not affect the liability of the member, or former member, to pay any:

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions;

(iv) contributions;

(v) fines;

(vi) levies; or

(vii) fines,

owing to the State Division at the date of resignation.

(e) Moneys owed to the State Division may, subject to the Act and the Union's rules, be sued for and recovered in the name of the Union.

(f) The State Secretary will promptly advise the Union Secretary of the name of any member resigning and the date the member resigns.

11. MEMBERS' OBLIGATIONS TO NOTIFY

(a) A member, being aware of the death of any other member, will promptly notify the State Secretary.

12. REGISTER OF MEMBERS / REGISTER OF OFFICERS

(a) The State Secretary will keep a State Divisional membership register containing, so far as the State Secretary is able to determine, and

arranged in accordance with membership of Sub-branches, the following information in relation to members, their:

(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) place of employment;

(vi) classification;

(vii) date of admission;

(viii) date of resignation; and

(ix) and any other information required by the Act.

(b) A member changing their member information will notify the State Secretary who will promptly amend the Register.

(c) The Register is, in the event of a member failing to notify any change of their member information pursuant to this rule, conclusive proof for the purposes of these State Divisional rules and the Union's rules of the matters set out in the Register.

(d) The State Secretary will keep a register of officers of the State Division.

(e) The State Secretary will keep a register of officers of the State Division which will contain:

(i) the names;

(ii) the offices held; and

(iii) the addresses,

of the officers of the Union.

(f) A member of the State Division, or a person with a State Divisional member's written authority, may during business hours inspect the Register and the register of officers of the State Division.

(g) The State Secretary will, at the time of changing member information on the State Divisional membership register, advise the Union Secretary of the change in information.

(h) The State Secretary will, at the time of entering an Officers' information on the register of officers, advise the Union Secretary and provide any information that the Union Secretary may reasonably require to ensure that the Union's Register of Officers is maintained.

(i) The State Secretary will, at the time of changing officer information on the Officers Register, advise the Union Secretary of the change in information.

(j) The State Secretary will advise the Union Secretary of the names of any member who has resigned from the District.

13. RECOVERY OF ARREARS

(a) If any member is in arrears to amount to the subscriptions to be paid for 3 half year terms, the State Secretary will:

(i) cause a notice to be sent to the members last known address; and

(ii) take the necessary steps, inclusive of legal proceedings, to recover the arrears.

(b) Despite Sub-rule (a) the State Secretary may, or the State Divisional Executive from directing the State Secretary to, take other steps to recover arrears of:

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions.

(iv) fines; or

(v) levies.

(for the purpose of this rule "arrears")

(c) The State Secretary may place the collection of arrears in the hands of a solicitor or agent for collection.

(d) Any arrears owing by a member to the State Division for more than one and a half years will be waived by the State Division.

14. OFFICERS

(a) The officers of the State Division consist of the:

(i) State Divisional President;

(ii) State Divisional Vice-President;

(iii) State Secretary;

(iv) State Divisional Assistant Secretaries (the total number of which will be determined in accordance with rule 15) and which will include a State Divisional Assistant Secretary (Plasterers) and may include a State Divisional Assistant Secretary (Painters);

(v) State Divisional Executive members;

(vi) State Divisional Council members; and

(vii) organisers as the State Divisional Executive may determine.

15. STATE DIVISIONAL COUNCIL

(a) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(A) Shire of Carpentaria;

(B) Tablelands Region;

(C) City of Townsville;

(D) Shire of Hinchinbrook;

(E) Causeway Coast Region;

(F) Shire of Yarrabah;

(G) Cairns Region;

(H) Shire of Wujal Wujal

(I) Shire of Hope Vale;

(J) Shire of Cook;

(K) Shire of Lockhart River;

(L) Shire of Kowanyama;

(M) Shire of Pormpuraaw;

(N) Shire of Aurukun;

(O) Napranum Shire;

(P) Shire of Mapoon; and

(Q) Northern Peninsula Area Region.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(A) Brisbane;

(B) Gold Coast;

(C) Ipswich;

(D) Lockyer Valley;

(E) Logan;

(F) Moreton Bay;

(G) Redland;

(H) Scenic Rim;

(I) Somerset, and

(J) Sunshine Coast.

(b) The State Divisional Council will consist of:

(i) the State Divisional President;

(ii) the State Divisional Vice-President;

(iii) the State Secretary;

(iv) the State Divisional Assistant Secretaries;

(v) State Divisional Executive Member;

(vi) 12 members on the State Divisional Council who will be elected by and from the two sub-groups as follows.

(A) 8 State Divisional Council members who will be elected by, and from , the members who reside in South East Queensland; and

(B) 4 State Divisional Council members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of the State Divisional Council members will be elected from the members who reside in North Queensland.

subject to the following:

1. in relation to the State Divisional President:

a. that the number of State Divisional Council members elected from (vi)(A) is to be reduced by one if the State Divisional President resides in South East Queensland;

b. that the number of State Divisional Council members elected from (vi)(B) is to be reduced by one if the State Divisional President resides in Regional Queensland;

2. In relation to the State Divisional Vice President:

   a. that the number of State Divisional Council members elected from (vi)(A) is to be reduced by one if the State Divisional Vice President resides in South East Queensland;

   b. that the number of State Divisional Council members elected from (vi)(B) is to be reduced by one if the State Divisional Vice President resides in Regional Queensland;

3. In relation to the State Divisional Executive Member:

   a. that the number of State Divisional Council members elected from (vi)(A) is to be reduced by one if the State Divisional Executive Member resides in South East Queensland;

   b. that the number of State Divisional Council members elected from (vi)(B) is to be reduced by one if the State Divisional Executive Member resides in Regional Queensland; and

(vi) 1 member on the State Divisional Council who shall be elected by and from those eligible for membership by virtue of rule A7 Section A(5).

(c) The offices of:

(i) State Secretary;

(ii) State Divisional Assistant Secretary; and

(iii) State Divisional Organiser,

are the only offices which may, subject to the provisions of this rule, be held by full time, or part time officers and all other officers are honorary.

(d) A full time officer or employee of the State Division is not eligible to stand for the position of:

(i) State Divisional President; and

(ii) State Divisional Vice-President.

(e) The State Divisional Council will, at its first meeting held following a quadrennial election, elect from its members a State Divisional Vice-President who will not, apart from holding the office of State Divisional Council member, hold any other office in the State Division.

(f) The election to be held pursuant to sub-rule (c), will be held in accordance with rules B27-B30.

(g) The membership of the State Divisional Council must not be comprised of more than a total of 30% of the State Division's full-time elected officers or full-time employees.

(h)

(i) The:

(A) State Secretary; and

(B) State Divisional President;

(C) State Divisional Vice-President; and

(D) State Executive Member;

will, subject to this sub-rule, be elected by and from Members of the State Division, who are eligible to vote and in accordance with these State Divisional rules;

(ii) the State Divisional Assistant Secretary (Plasterers) will be elected from all members of the State Division who are eligible for membership of the State Division by virtue of rule A7 Section A(a).

(iii) the State Divisional Assistant Secretary (Painters) (if any) will be elected from all members of the Union who are eligible for membership of the Union by virtue of rule A7 Section A(b)

(iv) the State Divisional Assistant Secretary (General) will be elected from all members of the State Division who are eligible for membership of the State Division

(i) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures, determine the number and designation of State Divisional Assistant Secretaries to be elected.

(j) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures, determine which (if any) of the State Divisional Assistant Secretaries are to be honorary.

(k) The State Divisional Council may also determine that

(i) a Full Time office of State Divisional Assistant Secretary, will, with the consent of the incumbent in that office, revert to an honorary office; or

(ii) where a casual vacancy arises in an office of State Divisional Assistant Secretary, the State Divisional Council of Management may, prior to filling the vacancy pursuant to these rules, resolve

whether the office will be abolished or whether it is to be filled on an honorary or full-time basis

16. POWERS OF THE DIVISIONAL COUNCIL

(a) The State Divisional Council will exercise:

(i) all the powers of the State Division;

(ii) the power to determine the policy of the State Division;

(iii) the power to amend these State Divisional rules;

(iv) the power to seek amendment to the Union's rules; and

(v) powers expressly provided to it by these State Divisional rules

(b) Despite sub-rule (a)(i) the State Divisional Council will not exercise any powers that are expressly provided to the State Divisional Executive.

17 MEETINGS OF DIVISIONAL COUNCIL

(a) The State Divisional Council will meet not less then 3 times per year

(b) The State Secretary will give 10 days notice of a meeting to be held pursuant to sub-rule (a).

(c) A meeting summoned in accordance with sub-rule (a) will be conducted in person and by means which permit State Divisional Council members to be able to communicate with each other without being physically present.

(d) The State Secretary will, upon the request of the State Divisional President, or at least one quarter of the State Divisional Council members, summon a meeting of the State Divisional Council to be held within 5 days of the receipt of the request by the State Secretary

(e) The State Secretary must, subject to this rule, give at least 24 hours notice when summoning State Divisional Council members to meetings of the State Divisional Council (pursuant to sub-rule (d))

(f) A meeting summoned in accordance with sub-rule (d) will be conducted in person and by means which permit State Divisional Council members to be able to communicate with each other without being physically present.

(g) Where the State Divisional President, the State Secretary or 6 members of the State Divisional Council, by requisition in writing, consider that a matter requires urgent attention then the State Secretary

(i) will summon a special meeting of the State Divisional Council; and

(ii) will give such notice, to the State Divisional Council members, of the meeting as is practicable in the circumstances; and

(iii) a meeting, summonsed in accordance with part (i), may be conducted by:

(A) telephone; and/or

(B) radio; and/or

(C) video, and/or

(D) skype, and/or

(E) or any other method by which State Divisional Council members are able to communicate with each other without being physically present; or

(iv) ballot the State Divisional Council members by means of post, facsimile, E-mail or by such other electronic or telegraphic means as may be available; and

(v) a ballot conducted in accordance with part (iv) will be open for 10 days; and

(vi) a ballot will be declared when ... ore than ½ plus 1 of the members of State Divisional Cou... ...ll have voted for or against, as the case may be, the resolution balloted.

(h) One half plus one of the number of the State Divisional Council members elected to, and holding office, consti... ...ute quorum.

(i) The State Divisional President may, when the State Divisional President considers it is appropriate to do so and on the request of a State Divisional Council member, grant a State Divisional Council member a leave of absence from attending a meeting of the State Divisional Council.

(j) Where leave of absence is granted pursuant to sub-rule (i), quorum will be one half plus one of the number of the State Divisional Council members elected to, and holding office less the number of State Divisional Council members who have been granted a leave of absence.

(k) If at any meeting of the State Divisional Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting the meeting will be adjourned for not less than 5 days nor more than 10 days.

(l) Members will be given two clear days notice of the date, time and place to which the meeting has been adjourned.

(m) If at the meeting adjourned pursuant to sub-rule (k) no quorum be present, those present will be deemed to be quorum for the purpose of the business to be determined.

(n) A State Divisional Council member absent from three consecutive meetings of the State Divisional Council without satisfactory explanation may be charged and dealt with in accordance with rule 8(6)

18. FINANCIAL YEAR

(a) The financial year of the State Division is the 12 month period ending the 31st of December or such other period as the State Divisional Executive determines.

19. STATE DIVISIONAL EXECUTIVE

(a) There will be a State Divisional Executive comprised of the following:

(i) the State Divisional President; and

(ii) the State Divisional Vice-President, and

(iii) the State Secretary; and

(iv) all the State Divisional Assistant Secretaries; and

(v) a State Divisional Executive Member directly by, and from, the members in accordance with rule B15(b), who is not a full time official and who does not, apart from holding the office of State Divisional Executive Member, hold any other office in the State Division

(b) The Divisional Executive is the management committee for the Division.

20. POWERS OF THE DIVISIONAL EXECUTIVE

(a) Between meetings of the State Divisional Council the State Divisional Executive will exercise the powers of the State Division.

(b) All accounts paid by the State Division will be submitted to the State Divisional Executive for ratification.

(c) The State Divisional Executive has control of the State Divisional Fund.

(d) The State Divisional Executive may disburse moneys as provided by these State Divisional rules.

(e) The State Divisional Executive may invest the State Divisional Fund as provided by these State Divisional rules.

(f) The State Divisional Executive may delegate authority to the State Secretary to authorise payments, provided that such delegation can relate to:

(i) recurrent expenditure; and/or

(ii) budgeted expenditure; and/or

(iii) specific expenditure; and/or

(iv) expenditure to a limit.

(g) The State Divisional Executive may make donations not exceeding $500, or such other sum as the State Divisional Council may determine.

(h) The State Divisional Executive has the powers as may otherwise be provided by these State Divisional rules, the Union's rules or as may be delegated by the State Divisional Council.

21. MEETINGS OF THE DIVISIONAL EXECUTIVE

(a) The State Divisional Executive will meet not less than 6 times per year at the times its members determine.

(b) The State Secretary will, upon the request of the State Divisional President, or at least 2 other members of the State Divisional Executive, summon a meeting of the State Divisional Executive to be held within 5 days of the receipt of the request by the State Secretary.

(c) The State Secretary must, subject to this rule, give at least 2- hours notice when summoning members to meetings of the State Divisional Executive.

(d) Where the State Divisional President or the State Secretary consider that a matter requires urgent attention then the State Secretary will:

(i) summon a special meeting of the State Divisional Executive, and

(ii) give notice of the special meeting as is practicable in the circumstances; and

(iii) conduct the meeting by:

(A) telephone; and/or

(B) [illegible], and/or

(C) video; and/or

(D) skype; and/or

(E) any other method by which members of the State Divisional Executive are able to communicate with each other without being physically present; or

(F) a ballot of the State Divisional Executive members by means of post, facsimile, E-mail, SMS or by such other electronic or telegraphic means as may be available provided that the ballot will be open for 5 days and will be declared when ½ plus 1 of the members of the State Divisional Executive have voted for or against, as the case may be, the resolution balloted.

(e) If at any meeting of the State Divisional Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting the meeting will be adjourned for not less than 5 days nor more than 10 days.

(f) Members will be given 2 clear days notice of the date, time and place to which the meeting, adjourned pursuant to sub-rule (e), has been adjourned.

(g) If at the meeting, adjourned pursuant to sub-rule (e), when it is reopened no quorum be present, those present will be deemed to be quorum for the purpose of the business to be determined.

(h) One half plus one of the number of the Members of the State Divisional Executive holding office constitutes a quorum.

(i) A member of the State Divisional Executive absent from three consecutive meetings of the State Divisional Executive without satisfactory explanation may be charged and dealt with in accordance with rule B66.

22. DUTIES OF THE STATE DIVISIONAL PRESIDENT

(a) The State Divisional President will preside at all meetings of the:

(i) State Divisional Council; and

(ii) State Divisional Executive; and

(iii) State Divisional Convention; and

(iv) State Divisional Delegates; and

(v) convened by the State Divisional Delegates Convention; and

(vi) convened by the State Divisional Council

(b) The State Divisional President has a deliberative vote only.

(c) The State Divisional President will carry out duties as may be assigned to the State Divisional President by the State Divisional Council or the State Divisional Executive.

(d) The State Divisional President will conduct the business of meetings in accordance with the standing orders and rules of debate as provided by these State Divisional rules

(e) The State Divisional President will, upon the minutes being confirmed by a meeting sign the minute book in the presence of the meeting.

(f) The State Divisional President will:

(i) maintain order; and

(ii) act impartially;

at all meetings that the State Divisional President chairs.

23. DUTIES OF THE STATE DIVISIONAL VICE-PRESIDENT

(a) The State Divisional Vice-President will assist the State Divisional President in the discharge of the State Divisional President duties pursuant to these State Divisional rules.

(b) The State Divisional Vice-President will chair meetings in the absence of the State Divisional President.

(c) The State Divisional Vice-President will act as the President during any temporary absence of the State Divisional President.

24 DUTIES OF THE STATE SECRETARY

(a) The State Secretary s the Chief Executive Officer of the State Division and will conduct and manage the affairs of the State Division, subject to these State Divisional rules, between meetings of the State Divisional Executive.

(b) The State Secretary will:

(i) manage and control the State Divisional fund; and

(ii) acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the State Division; and

(iii) sell or otherwise dis- -ose of such property and effects as are no longer necessary for .' s proper conduct of the business and affairs of the State Division; and

(iv) receipt all moneys payable to the State Divisional fund; and

(v) cause to be kept statements of account in relation to the receipts and expenditure of the State Division; and

(vi) submit to each meeting of the State Divisional Executive an interim statement of account current to the end of the week that immediately precedes the State Divisional Executive meeting; and

(vii) cause the preparation of a yearly statement of account, and for the audit of the statement of account in accordance with the Act, and will present the auditors report to the State Divisional Executive and to the State Divisional Council for approval; and

(viii) once the audited report is approved by the State Divisional Council publish it to the members and file it with the Registrar; and

(ix) incur, or authorise the incurring of, expenditure on behalf of the State Division; and

(x) comply with all lawful directions given by State Divisional Council and the State Divisional Executive; and

(xi) comply with Policy; and

(xii) take all reasonable steps to attain the objects of the Union and to carry out these State Divisional rules; and

(xiii) promptly on being directed by the State Divisional Council to do so, deliver any funds, money, property, effect, record or document of the State Division in the State Secretary's possession, custody or control to the person as directed, and

(xiv) keep up to date the State Division membership register; and

(xv) keep up-to-date the officers register; and

(xvi) advise the Union Secretary as required; and

(xvii) keep records which show any amounts which a member owes to the State Division, and

(xviii) summon all meetings of the State Divisional Council and the State Divisional Executive; and

(xix) prepare, and circulate to the respective members, an agenda for each meeting of the State Divisional Council and State Divisional Executive; and

(xx) will wherever practicable attend all meetings of the State Division, the State Divisional Council and State Divisional Executive; and

(xxi) keep, in accordance with these State Divisional rules, minutes of meetings; and

(xxii) send and receive correspondence on behalf of the State Division; and

(xxiii) upon request supply to Members, free of charge, a copy of these State Divisional rules; and

(xxiv) be the sole public spokesperson of the State Division or the Sub-branches, unless:

(A) the State Divisional Executive otherwise directs; or

(B) the State Secretary otherwise delegates.

(c) The State Secretary may make demand for any part of the State Divisional fund or any record or document from any officer of the State Division, the State Divisional Returning Officer or member of the State Division who is in possession, custody or control of the part of the State Divisional fund, record or document concerned.

(d) All expenditure incurred pursuant to sub-rule (b) will be placed before the State Divisional Executive for ratification.

(e) The State Secretary may issue and defend proceedings in the name of the Union, on behalf of the State Division, in regard to any matter relating to the State Division and/or that affects the Members.

(f) The State Secretary will ensure the State Division is represented in relation to all relevant hearings before:

(i) Commissioners; and/or

(ii) Tribunals; and/or

(iii) Boards; and/or

(iv) Courts.

(g) The State Secretary will direct, subject to these State Divisional rules, the duties of all full time officers and employees of the State Division and will be able, to the extent permitted by these State Divisional rules to delegate the State Secretary's functions.

25 DUTIES OF THE STATE DIVISIONAL ASSISTANT SECRETARIES

(a) The State Divisional Assistant Secretaries will work under the direction of the State Secretary.

(b) The State Divisional Assistant Secretaries will assist the State Secretary in the discharge of the State Secretary's duties pursuant to these State Divisional rules.

(c) In the temporary absence of the State Secretary one of the Assistant State Divisional Secretaries will be appointed by the State Divisional Executive as the Acting State Secretary and will act with the powers, and have the same obligations, as the State Secretary.

26. STATE DIVISIONAL ORGANISERS

(a) The State Divisional Executive will:

(i) not less than two months prior to the closing of nominations as prescribed in the election procedures, determine the number of State Divisional organisers to be elected; and

(ii) determine the area of the State Division in which State Divisional organisers will reside and operate and may appoint additional State Divisional organisers.

(b) The State Divisional organisers will be under the control of the State Secretary and the State Divisional Executive

(c) State Divisional organisers will:

(i) when required attend meetings of the

(A) State Divisional Council; and

(B) State Divisional Executive; and

(iii) perform organising duties as may be directed by the State Secretary; and

(iv) visit workplaces where members of the State Division, and other workers eligible to join, are employed, and

(v) make every effort to encourage persons eligible to be members of the State Division to apply for membership of the State Division, and

(vi) co-operate with all:

(A) Site Delegates; and

(B) Sub-branch Presidents.

(d) State Divisional 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 State Divisional Executive.

(e) The State Divisional Executive may appoint temporary organisers for a period not exceeding 6 months

(f) Temporary organisers will be subject to the direction of the State Secretary

27. NOMINATION

(a) A Member who:

(i) is financial at the time nominations close; and

(ii) has been a financial member of the State Division for the continuous period required for candidates for particular offices as provided for, relevantly, in sub-rule (d), and

(iii) is otherwise, in accordance with these State Divisional rules, entitled to nominate for a particular office,

may nominate for that office.

(b) Provided that any Member, otherwise entitled to nominate for an office, who has:

(i) ceased to work in the classifications that made the person eligible for membership of the State Division; and

(ii) reached the age of 65 years,

cannot nominate for any office.

(c) Provided further that a Member, otherwise entitled to nominate for an office, who has reached the age of 65 years cannot nominate for a full time position

(d) The continuous period of financial membership required for candidates for election to the State Divisional offices set out in column A, is the respective period set out in column B:

A	B
State Secretary	Three years financial membership
Assistant State Divisional Secretaries	Three years financial membership
State Divisional President	Three years financial membership
State Divisional Vice-President	Three years financial membership
State Divisional Council Members	One years' financial membership
State Divisional Organisers	One years' financial membership
State Divisional Executive Member	One years' financial membership

(e) The term of office for the positions set out in column A of sub-rule (d):

(i) is, subject to these State Divisional rules four years; and

(ii) commences on, and from, the 2 January in the year following the quadrennial election in 2012 for the offices held in accordance with these State Divisional rules.

(iii) the members elected will hold these offices, subject to death, resignation, or removal from office pursuant to these State Divisional rules or the rules of the Union, until their successors take office in accordance with these State Divisional rules.

(f) A Member wishing to nominate for an office must nominate in the form approved by the State Divisional Executive and which is made available at the principal office and on the State Divisional website.

(g) A member may only nominate for one office.

(h) A nomination form must be signed by the Member nominating and by two other Members and forwarded to the Returning Officer:

(i) by facsimile;

(ii) by email (PDF);

(iii) by registered post; or

(iv) delivered,

prior to the time determined by the Manager of the Election as the closing time for nominations.

(i) The provisions of sub-rule (h) do not apply to the offices of the State Divisional Vice-President and the State Divisional Executive Member.

(j) The State Divisional Vice-President and State Divisional Executive Member will:

(i) commence to hold office from the declaration of results at the 1st meeting of the State Divisional Council following the taking of office by the members of the State Divisional Council following a quadrennial election;

(ii) hold these offices, subject to:

(A) the death; or

(B) resignation; or

(C) removal from the office, or from the office they hold on the State Divisional Council, pursuant to these State Divisional rules or the of the Union's rules,

until their successors take office in accordance with these State Divisional rules.

(k) The quadrennial elections for all offices, set out in column A of sub-rule (d), other than the office of State Divisional Executive Member, will be conducted in accordance with the Election Procedures.

(l) The quadrennial offices of:

(i) State Divisional Vice-President; and

(ii) State Divisional Executive Member,

will be conducted in accordance with rules E27-60

28. ELECTION PROCEDURES DEFINITIONS

(a) Definitions in these election procedures are:

(i) "ballot box" means a ballot box kept under rule B42.

(ii) "candidate", for an election, means a person:

(A) who has nominated as a candidate for the office the election is about, and

(B) whose nomination has been accepted under rule E33; and

(C) whose nomination has not been withdrawn.

(iii) "days" has the meaning provided by the Act.

(iv) "eligible member" means a person who was a Member 30 days before the starting time for nominations.

(v) "initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials

(vi) "Manager of an election" means:

(A) the electoral officer conducting the election or ballot; or

(B) if an exemption has been given pursuant to the Act the returning officer then appointed pursuant to the Act to conduct the election.

(vii) "member" means a member of the State Division.

(viii) "preferential voting" will mean:

(A) a system of voting in which the voter is to place a number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference, and will 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 preferences for them; and

(B) a ballot by the preferential system the valid ballot papers will be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate; and

(C) if on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he/she will be declared elected; and

(D) if no candidate receives an absolute majority the preferences of the candidate receiving the lowest number of votes will be distributed;

(E) the step provided by sub-part (D) will be repeated until a candidate or candidates, as the case may be, are elected.

(ix) "return envelope" see rule B41(a)(ii).

(x) "roll", for an election, means the roll of voters prepared for the election under rule B37.

(xi) "scrutineer" means:

(A) a candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a candidate under rule B48.

(xii) "State Secretary" means.

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(A) the person holding office as the State Division's State Secretary; or

(B) another officer of the Union, however described, who has the functions of the State Division's State Secretary.

(xiii) "voter" means a person:

(A) who is an eligible member; and

(B) whose name is on the roll.

(xiv) "voting material" see rule B41(a).

29. MANAGER OF ELECTION—FUNCTIONS AND POWERS

(a) The Manager of an election:

(i) must not influence, or attempt to influence, the outcome of the election; and

(ii) must conduct the election under these election procedures except where the rules expressly provide otherwise; and

(iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(iv) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

(b) The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(i) to ensure no irregularities happen in the election; or

(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

(c) To ensure the integrity of an election, the address for return of ballot papers must not be the State Division's usual postal address.

30. CLOSING DAY AND TIME FOR NOMINATIONS

(a) The Manager of the election must fix the opening day and closing day for nominations for office.

(b) The closing day must be at least 28 days after notice is given under rule B32.

(c) Nominations open at midday on the opening day and close at midday on the closing day

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31. STARTING AND FINISHING DAYS OF BALLOT

(a) If a ballot becomes necessary under rule 535, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

(b) The start day must not be before the closing day for nominations for the offices to be filled at the election.

32. CALLING FOR NOMINATIONS

(a) The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(i) by post to each member at the address recorded in the members register;

(ii) if the State Division publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the State Divisional Journal or newsletter; or

(iii) in a daily newspaper circulating in the area where the State Division's members live or work.

(b) The notice must state:

(i) the opening day for nominations; and

(ii) the closing day for nominations; and

(iii) that nominations for office:

(A) open at midday on the opening day; and

(B) close at midday on the closing day; and

(iv) who may nominate as a candidate in the election; and

(v) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under rule 35; and

(vii) that only a person who was a financial member 30 days before the opening time for nominations may vote in the election; and

(viii) that the ballot will be decided by a preferential system of voting.

33. NOMINATION PROCEDURE

(a) A nomination for office must be written, signed by the nominee, otherwise comply with these State Divisional rules and be given to the Manager of the election before nominations close.

(b) A person may not nominate for more than 1 office.

(c) The Manager of the election must accept a nomination if:

(i) it complies with sub-rule B33(a) and (b); and

(ii) the nominee is an eligible member and is otherwise entitled pursuant to these rules to nominate; and

(iii) the nominators are entitled pursuant to these rules to nominate the nominee; and

(iv) these rules, in so far as they expressly provide in relation to the nomination process, are complied with.

(d) A candidate may withdraw the candidate's nomination by written notice given to the Manager of the election no later than 5 days after nominations close.

34. WHAT HAPPENS IF A NOMINATION IS DEFECTIVE

(a) The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

(b) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager of the election must:

(i) reject it; and

(ii) give the nominee notice of the defect; and

(iii) if practicable, give the nominee an opportunity to remedy the defect.

(c) If practicable, the notice must be given before nominations close.

(d) Failure to give the notice does not invalidate the election.

35. WHEN A BALLOT MUST BE HELD

(a) If there are more candidates for election to an office than the number to be elected, the Manager of the election must conduct a secret postal ballot pursuant to these election procedures.

36. ELECTION WITHOUT BALLOT

(a) The Manager of the election must declare a candidate elected to an office if:

(i) nominations have closed; and

(ii) the candidate does not hold another office; and

(iii) the candidate has:

(A) not nominated for a higher office; or

(B) nominated for a higher office and is not elected to the higher office; and

(iv) if the election is for State Divisional President or Secretary—the candidate is the only candidate; or

(v) if the election is for another type of office—the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

37. ROLL—PREPARATION

(a) A roll for a ballot must be prepared at the direction of the Manager of the election.

(b) The Manager of the election must ensure the roll:

(i) states:

(A) the name of each person who is an eligible member of the Union in alphabetical order; and

(B) each eligible member's address, opposite their name; and

(C) the Industry Sub-group in which they are allocated pursuant to these rules; and

(ii) is completed when nominations for the election close.

(c) The State Division must give the Manager of the election:

(i) a copy of its members register; and

(ii) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate

38. ROLL—INSPECTION

(a) The Manager of the election must make the roll for the election available for inspection.

(i) in the period that:

(A) starts on the day after the roll must be completed under rule B37; and

(B) ends 30 days after the result of the election is declared; and

(ii) at the Manager's office when it is open for business.

(b) A candidate, member or a person authorised by the Manager of the election may inspect the roll, free of charge.

(c) If, during the period stated in sub-rule (a), a candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

39 WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

(a) Despite rule B37(b), if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

(b) If the Manager of the election is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

(c) An eligible member is only able to vote in such ballots as is permitted pursuant to these rules.

40. BALLOT PAPERS

(a) A ballot paper for the election must:

(i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager of the election or a person authorised by the Manager; and

(ii) be of paper that will hide a vote marked on it from view when it is folded once; and

(iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(iv) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names; and

(v) state how the voter may vote; and

(vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and

(vii) state that the voter must return the ballot paper to the Manager of the election so it is received on or before the finish day of the ballot.

(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

Example—

The occupation of each candidate may be added to the ballot paper.

41. DISTRIBUTING VOTING MATERIAL

(a) The Manager of the election must post the following things (the "voting material") to each voter:

(i) a ballot paper initialled by the Manager;

(ii) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(iii) a ballot envelope and a voting declaration;

(iv) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

(b) Voting material must be posted to each voter:

(i) in a sealed envelope to the voter's address on the roll; and

(ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

(c) The voting declaration must state:

(i) "I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.";

(ii) provide for the voter to fill out the voter's name and other identifying factor i.e. membership number;

(iii) a place for the voter to sign the declaration.

(d) If a voter gives the Manager of the election a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

42. MANAGER MUST KEEP A BALLOT BOX

(a) The Manager of the election must get a ballot box and:

(i) keep the box in a safe place; and

(ii) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes; and

(B) prevents voting material from being taken from it until votes for the ballot are to be counted.

43. DUPLICATE VOTING MATERIAL

(a) This rule applies if voting material posted to a voter:

(i) has not been received by the voter; or

(ii) has been lost or destroyed; or

(iii) if the document is a ballot paper—has been spoilt.

(b) The voter may apply to the Manager of the election for a duplicate of the document.

(c) The application must:

(i) be received by the Manager of the election on or before the finish day of the ballot; and

(ii) state the grounds on which it is made; and

(iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(iv) state that the voter has not voted at the ballot; and

(v) if the document is a spoilt ballot paper be accompanied by the ballot paper.

(d) If the application complies with sub-rule (c), the Manager of the election must:

(i) if the document is a spoilt ballot paper:

(A) mark 'spoilt' on the paper; and

(B) initial the paper beside that marking and keep the paper; and

(C) give a fresh ballot paper to the voter; or

(ii) otherwise—give a duplicate of the document to the voter.

44. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

45. HOW TO VOTE

(a) A voter may vote only by completing the following steps:

(i) completing a ballot paper by:

(A) writing a number in order of preference in the square opposite the name of the candidates the voter may vote for under rule B46; and

(B) complying with the instructions on the paper about how to vote;

(ii) putting the ballot paper in a ballot envelope;

(iii) sealing the ballot envelope;

(iv) filling in and signing the voting declaration for the ballot paper;

(v) putting the voting declaration and the ballot envelope in the return envelope;

(vi) sealing the return envelope;

(vii) complying with any direction given under rule B41(a)(iv);

(viii) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

46 HOW MANY VOTES MAY BE CAST

(a) A voter will express a preference for each candidate for which the voter is entitled to vote.

47 HOW MANAGER MUST DEAL WITH VOTING MATERIAL

(a) The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

(b) If, after the finishing day for the election, the Manager of the election receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(i) keep the envelope sealed; and

(ii) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and

(iii) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day

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48. SCRUTINEERS—APPOINTMENT

(a) A candidate may:

(i) act personally as a scrutineer; or

(ii) appoint another person (an "appointee") as a scrutineer for the candidate.

(b) An appointment must be in writing and signed by the candidate.

(c) A candidate must notify the Manager of the election of the name of the candidate's appointee as soon as possible after the appointee is appointed.

(d) The Manager of the election may refuse to allow an appointee to act as a scrutineer if:

(i) the Manager asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

49. SCRUTINEERS' RIGHTS

(a) Subject to rule B50, a scrutineer may be present when:

(i) ballot papers or other voting material for a ballot are prepared and given to voters; and

(ii) voting material is received and put in safe custody under rule B47; and

(iii) votes are counted.

50. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule B49 for each official present where the ballot is being conducted.

(b) In sub-rule (a):

(i) "official" means:

(A) if the ballot is being conducted by the electoral commission—an electoral officer; or

(B) if the ballot is not being conducted by the electoral commission:

(1) the Manager of the election; or

(2) any other person appointed by the Manager to exercise the Manager's powers for the election

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51. INITIAL SCRUTINY OF VOTING MATERIAL

(a) As soon as possible after the ballot finishes, the Manager of the election must:

(i) seal the ballot box in a way that prevents voting material from being put in it; and

(ii) take the ballot box to the place where votes are to be counted.

(b) The Manager of the election must then:

(i) unseal the ballot box; and

(ii) take out the return envelopes; and

(iii) open each return envelope and take out the ballot envelope and the voting declaration; and

(iv) examine the declaration and mark off the voter's name on the roll, and

(v) check the ballot number on the declaration against the ballot number marked against the voter's name on the roll; and

(vi) ensure the declaration is signed.

(c) After complying with rule B51(b), the Manager of the election must put the ballot envelopes in a container and the declarations into another container if satisfied:

(i) each declaration is signed; and

(ii) the declaration corresponds with the voter's name and/or the identifying factor on the roll.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers mentioned in rule B51(c) if:

(i) the Manager of the election reasonably believes the voter to whom it was sent did not sign the declaration; or

(ii) the person named on the declaration is not the person to whom it was sent.

(e) Sub-rule (d) does not apply if the Manager of the election is satisfied the person who filled in and signed the declaration:

(i) is a voter; and

(ii) has not previously voted in the ballot; and

(iii) has a reasonable explanation for using someone else's ballot material.

(f) The Manager of the election must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.

(g) A declaration is valid only if:

(i) it complies with sub-rules (c) and (e); and

(ii) sub-rule (d) does not apply

(h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager of the election.

(i) If a declaration is accepted as valid by the Manager of the election the Manager must:

(i) note the acceptance of validity on the declaration; and

(ii) record the correct ballot number on the roll against the name of the voter who signed the declaration.

(j) After separating the ballot envelopes and declarations, the Manager of the election must, in the following order:

(i) seal the container holding declarations;

(ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;

(iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under rule 852(b)';

(iv) put all of the ballot papers in the ballot box.

52. COUNTING VOTES

(a) To count votes the Manager of the election must:

(i) admit the formal votes and reject the informal votes, and

(ii) count the formal votes, and

(iii) count the informal votes.

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager of the election and the Manager is not satisfied the paper is authentic; or

(ii) the ballot paper is marked in a way that allows the voter to be identified; or

(iii) the ballot paper is not marked in a way that makes it clear how the voter meant to vote; or

(iv) the ballot paper does not comply with a direction given under rule 54(1)(a)(iv); or

(v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

53. SCRUTINEERS' OBJECTIONS

(a) Before votes are counted, a scrutineer may advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot.

(b) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(ii) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(c) If a scrutineer advises the Manager of the election under sub-rules (a) or (b), the Manager must:

(i) decide whether the error has been made; and

(ii) if appropriate—direct action to correct or mitigate the error.

(d) If a scrutineer objects under sub-rule (b)(i), the Manager of the election must:

(i) decide whether the ballot paper is to be admitted or rejected; and

(ii) note the decision on the ballot paper and initial the note.

54 DIRECTION BY MANAGER TO LEAVE COUNT

(a) The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(i) does not have the right to be present at the count; or

(ii) interrupts the count, other than to exercise a scrutineer's right.

55. HOW RESULT IS DECIDED

(a) The method of deciding the result of a ballot is by a preferential system.

(b) The Manager of the election will arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate;

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(i) the manager will count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preferences votes if that number constitutes an absolute majority of first preference votes will be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager will:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and each of the ballot papers counted to such defeated candidate indicated by the voter's next preference will be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate will again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference will be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate will be declared elected;

(C) where there is a multiple office then the count will continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons will be declared elected.

(c) This rule is subject to rules 56 and 57.

56. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) If the Manager of the election can not decide which candidate is elected to an office because the votes cast for 2 or more candidates are equal, the Manager of the election must decide which candidate is elected by drawing lots

(b) A decision under sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

57. WHAT HAPPENS IF MULTIPLE NOMINEE ELECTED

(a) If a candidate is elected to an office, other than as a trustee, and the candidate is also elected to a higher office, the Manager of the election may only declare the candidate elected to the higher office.

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58. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The State Secretary may request that the Union Secretary take such steps as may be required in accordance with the Part A rules to make application for an exemption from election ballot.

(b) The State Secretary will take such steps and do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot in accordance with the Part A rules.

(c) In the event of the exemption not being granted, or being only partially granted, the State Secretary will promptly ensure the filing by the Union Secretary of the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to the those Part B rules

59. ELECTIONS FROM STATE DIVISIONAL COUNCIL

(a) The State Divisional Vice-President and 1 member of the Executive will be elected by a collegiate electoral system.

(b) The electoral college will in relation to the election for the officers referred to in sub-rule (a) be the State Divisional Council.

(c) The outgoing State Secretary will appoint, in accordance with the Act, a manager of the election (for the purposes of this rule "the Manager"), and the Manager will be subject to the provisions of the Election Procedures

(d) The Manager will call for nominations from among members of the electoral college subject to these State Divisional rules, by written notice to each member.

(e) Nominations will be in writing, signed by the candidate and seconded in accordance with these State Divisional rules and will be delivered to the Manager prior to the commencement of the first meeting of the State Divisional Council next following the election of members of the electoral college (for the purposes of this rule the "Meeting").

(f) If the Manager finds that a nomination is defective, the Manager will, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

(g) The Manager will notify each member of the electoral college of the opening and closing time of the ballot which will be conducted at the meeting.

(h) If at the close of nominations, only the required number of nominations have been received for the offices, the Manager will declare those candidates elected.

(i) If there are more than the required number of candidates for an office, the Manager will conduct at the meeting an election for that office by secret

ballot of the members of the electoral college and by means of a "first past the post system".

(j) The Election Procedures will apply to the count

(k) Any candidates may appoint a scrutineer, and the Election Procedures in relation to scrutineers will apply.

(l) The Manager will arrange for the preparation of ballot papers on which the candidates names will appear in alphabetical order.

(m) The Manager will initial and hand to each member of the electoral college a ballot paper.

(n) Each member of the electoral college will cast a vote by completing the ballot paper by placing an "x" or other mark in the square against the name of the candidate the voter is voting for, and by placing the completed ballot paper in the ballot box in the control of the Manager.

(o) Any member who will not be present at the meeting, at which the ballot is to be held may:

(i) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager will not declare the result of the ballot until such member has been given reasonable opportunity to vote; or

(ii) appoint another member of the electoral college to vote as their proxy and such appointed member will be entitled to vote in their own right and as proxy, provided that no member of the electoral college can exercise more than one proxy vote.

(p) The candidate or candidates securing the highest number of votes will be declared elected.

(q) The Manager will declare the result to the electoral college as soon as the count is completed and will provide a written report to the Division in relation to the declaration.

(r) The candidate or candidates elected will take office upon the declaration by the Manager of the result of the election and each will hold office until their successors are elected.

60. CASUAL VACANCIES

(a) Should a casual vacancy occur in any of the offices of the State Division and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy will be filled by the State Divisional Executive unless these State Divisional rules otherwise provide.

(b) Should a casual vacancy occur in any of the offices of the State Division and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the

vacancy will be filled by election in accordance with the election procedures with any necessary modification.

61. STATE DIVISIONAL DELEGATES CONVENTION

(a) The State Divisional Executive will convene at regular intervals of two years a State Divisional Delegates Convention commencing in 2012.

(b) Despite sub-rule (a) the State Divisional Executive may, if it determines it appropriate to do so, convene a meeting of State Divisional Delegates Convention at an earlier interval

(c) The delegates to the State Divisional Delegates Convention are:

(i) Sub-branch representatives, and

(ii) worksite representatives from worksites of the State Division; and

(iii) State Divisional Council members; and

(iv) full-time officials of the State Division

(d) The State Divisional Executive will determine the

(i) method of financing the State Divisional Delegates Convention; and

(ii) number of delegates that

(A) Sub-branches; and

(B) worksites of the State Division,

may elect to attend such convention.

(e) A member nominating as a delegate to the State Divisional Delegates Convention must be financial in accordance with these State Divisional rules at the time nominations are called.

(f) Items for the agenda of the State Divisional Delegates Convention:

(i) will be called for at least three months before the State Divisional Delegates Convention meeting commences; and

(ii) be in the hands of delegates to the State Divisional Delegates Convention at least seven days before the State Divisional Delegates Convention commences.

(g) The State Divisional Delegates Convention may recommend to the State Divisional Council proposals for rules and policy

(h) The determinations of the State Divisional Delegates Convention do not bind the State Divisional Council or the State Divisional Executive, and are recommendatory only.

82. BRANCHES

(a) For the purposes of this rule:

(i) 'area' means a geographical or administrative division in Queensland determined by the State Divisional Executive as being an appropriate division for the purposes of the organisation of the State Division.

(b) The State Division will be divided into Sub-branches.

(c) The State Divisional Executive may determine:

(i) upon receipt of a request, in writing, from at least 10 Members; or

(ii) on its own motion,

to establish a Sub-branch to provide for the representation of Members in an area

(d) The State Division Executive has the power in relation to a Sub-branch to:

(i) vary; or

(ii) merge; or

(iii) dissolve,

a Sub-branch to ensure the effective representation of the interests of the Members in the area concerned, and may attach the Members represented by a Sub-branch to another Sub-branch.

(e) Where a Sub-branch is established, or dissolved, the State Divisional Executive may alter the area to be represented by other Sub-branches to accommodate the formation of a Sub-branch or the dissolution of a Sub-branch.

(f) The State Secretary must, when the State Divisional Executive determines to establish or dissolve a Sub-branch, promptly inform all affected Members of:

(i) the determination; and

(ii) the effect that that determination has on the areas of any other Sub-branch; and

(iii) where Members are to be transferred the Sub-branch to which they are to be transferred.

(g) A Sub-branch will be bound by the rules set out in Schedule C&G 1.

(h) A Sub-branch will have a Sub-branch Executive in accordance with Schedule C&G 1.

(i) A Sub-branch, by its Sub-branch Executive may adopt rules for its own government, provided that the proposed rules are:

(i) approved by the State Divisional Executive; and

(ii) consistent with these State Divisional rules.

(j) No rule proposed by a Sub-branch Executive pursuant to sub-rule (i) will take effect until the rule is approved by the State Divisional Executive.

(k) Members assigned to a Sub-branch are entitled to be nominated for, be elected to and hold an office on the Sub-branch Executive.

(l) A Sub-branch will have such general meetings as:

(i) the Sub-branch Executive may determine; or

(ii) as may be requisitioned by not less than 1/3 of the Members of the Sub-branch,

provided that where a meeting is requisitioned by the Members of the Sub-branch in accordance with this sub-rule, then the requisition for the meeting, which will be addressed to the State Secretary, will clearly state the matters to be dealt with at the general meeting and no other matters, or business, are to be dealt with at that meeting.

(m) Each financial year an allocation as determined by the State Divisional Executive will be made to the Sub-branches so as to assist in funding the Sub-branches' operations.

(n) All necessary books, stationery and postage will be supplied to a Sub-branch upon application made to the State Secretary.

(o) The Sub-branches will be bound by Policy.

(p) Each Sub-branch will appoint a State Divisional Delegate from amongst the Members of the Sub-branch to attend the State Divisional Delegates' Conference.

63 THE DIVISIONAL FUND

(a) All monies paid to the account of the State Division will:

(i) be used to administer the State Division in accordance with these State Divisional rules;

(ii) be banked by the State Secretary in the financial facility that the State Divisional Executive determines; and

(iii) for the purposes of these State Divisional rules will be called the State Divisional Fund.

(b) All expenditure from the State Divisional Fund must occur in accordance with these State Divisional rules.

(c) The State Divisional Fund will be used only for the:

(i) carrying out of the objects of the union in respect of the Members of the State Division;

(ii) necessary expenses of management of the State Division; and

(iii) payment of capitation as determined pursuant to the Part A rules.

(d) The surplus funds, or other property, held in the State Divisional Fund will be invested as:

(i) permitted by law; and

(ii) determined by the State Divisional Executive.

(e) All expenditure for ordinary purposes, including the following purposes, may be disbursed by direction of the State Divisional Executive:

(i) the ordinary expenses of management;

(ii) recurrent expenditure;

(iii) budgeted expenditure; and/or

(iv) expenditure by direction of the State Divisional Executive.

(f) The State Secretary may be authorised by the State Divisional Executive to incur expenditure on behalf of the State Division, provided that the State Divisional Executive may withdraw such authorisation at any time or for any period it sees fit.

(g) All expenditure incurred pursuant to this rule will be placed before the State Divisional Executive for consideration and ratification.

(h) The credit balance of any special fund will be maintained at a level determined by the State Divisional Executive.

(i) The name of any account in any financial facility, in relation to which any monies comprising the State Divisional Fund are banked, must include the words:

"The Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland, Construction & General State Division – [insert account name]"

64. SITE DELEGATES

(a) There will be Site Delegates appointed, in accordance with this rule, in the workplaces of the State Division.

(b) The State Divisional Executive has the power to appoint, from the Members, Site Delegates.

(c) The State Divisional Executive has the power to determine procedures for the election of Site Delegates.

(d) A majority of Members employed in any area of membership may, in accordance with any procedures determined by the State Divisional Executive pursuant to sub-rule (c), and subject to the approval of the State Divisional Executive, elect from amongst their number a person to act as a Site Delegate.

(e) The Member elected in accordance with sub-rule (d) must promptly advise the State Secretary of the election, who will place the matter before the State Divisional Executive for the State Divisional Executive's approval of the appointment.

(f) The State Divisional Executive may at any time terminate the appointment of a Site Delegate who fails to comply with:

(i) the State Division's rules; and/or

(ii) the Union's rules; and/or

(iii) a direction of the State Divisional Executive.

(g) Site Delegates have the powers and obligations determined by the Queensland Branch Executive.

(h) The State Divisional Council has the power to determine the policy for how Site Delegates are to conduct themselves in the workplace.

(i) The State Divisional Executive will provide training and resources, as it considers appropriate, for Site Delegates.

65. AUDIT OF DIVISIONAL ACCOUNTS

(a) The State Divisional Executive will appoint, in accordance with the provisions of the Act, an auditor who will hold the qualification required for a competent person under the Act.

(b) The auditor will:

(i) audit the financial statements of the State Division at the end of each financial year and at such other times as the State Divisional Executive directs; and

(ii) have access to and examine all registers, books, papers, deeds, documents, financial statements and accounts of the State Division; and

(iii) have the discretion to examine any officer of the State Division in regard to the registers, books, papers, deeds, documents, financial statements and accounts of the State Division; and

(iv) obtain from any financial facility, in which the State Divisional Fund is deposited and/or invested, a written statement of balances held.

(c) The auditor will furnish a written statement that all financial statements are certified in accordance with the Act and these State Divisional rules, or, if unable to certify to the correctness of any of them, promptly report to the State Divisional Executive in relation to defects.

(d) The auditor will have power to place before the State Divisional Executive any suggestions concerning the financial affairs of the Union.

(e) In the event of an auditor so appointed being unable to act or refusing to act or resigning, the State Divisional Executive will appoint an auditor qualified as aforesaid as a replacement.

66. MEMBERS GRIEVANCES TO BE CONSIDERED BY THE STATE DIVISIONAL EXECUTIVE

(a) Any Member having a grievance with the actions and/or decisions of

(i) the officers of the State Division, or

(ii) a member of the State Division,

may notify the State Divisional Executive.

(b) The State Divisional Executive:

(i) may require the Member lodging the grievance, or the officer or member the subject of the grievance, to furnish evidence of the matters related to the grievance; and

(ii) will make inquiry into the grievance as it determines appropriate, and

(iii) will within one month of receiving a grievance, determine the grievance.

(c) The State Divisional Executive's decision, pursuant to sub-rule (b) will be final.

(d) The State Divisional Executive may, but is not obliged to, give reasons when determining grievances pursuant to this rule.

(e) This rule applies to any person who claims through a member.

67. MISCONDUCT OF MEMBERS

(a) Charges by Members

(i) Any Member may charge any other member with:

(A) failing to observe any or all these State Divisional rules;

(B) knowingly failing to observe any resolution of the State Division or of the Union binding upon them;

(C) working in contravention of an award, order or agreement which binds the Union;

(D) giving false or misleading information to the State Divisional Executive, the State Divisional Council, the State Divisional Delegates Convention, a Sub-branch, an Officer or State Divisional Organiser, an employee of the State Division, an agent of the State Division or any other lawful representative of the State Division on any matter;

(E) obstructing the State Divisional Council, the State Divisional Executive, the State Divisional Delegates Convention, a Sub-branch, an Officer or State Divisional Organiser, an employee of the State Division, an agent of the State Division or any other lawful representative of the State Division in any way in the performance of any of the functions of the State Division;

(F) obstructing any officer or State Divisional Organiser in the course of the officer's or State Divisional Organiser's duties;

(G) after having been reasonably requested to assist, failing to assist the State Divisional Council, the State Divisional Executive, the State Divisional Delegates Convention, a Sub-branch, an Officer or State Divisional Organiser, an employee of the State Division, an agent of the State Division or any other lawful representative of the State Division in any way in the performance of any the functions of the State Division;

(H) after having been reasonably requested to assist, failing to assist any Officer or State Divisional Organiser in the course of the Officer's or State Divisional Organiser's duties;

(I) wrongfully holding themself out as occupying any office or position in the State Division, or as being entitled to represent the State Division in any capacity provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or capacity;

(J) lending or selling to some other person their contribution book, badge, OR Card or other document used to identify a person as a member;

(K) aiding or encouraging any other member or person to breach the rules of the State Division.

(b) Processing of Charges

(i) Any charge will be made in writing to the State Secretary and will be accompanied by the sum of $100.00 which, subject to sub-rule (j), will be refundable.

(ii) The State Secretary may, and will, if directed by the State Divisional Executive, summon the member charged before the State Divisional Executive and in the case of the State Secretary being charged the State President will, if directed by the State Divisional Executive, summon the State Secretary before the State Divisional Executive.

(iii) The summons will be in writing and will set out the time and place of the hearing, the name of the person laying the charge and the particulars of the charge

(iv) If the member charged requests it the member will be supplied with any further particulars as may be necessary to indicate the precise matters with which the member is charged.

(v) The member charged will be given notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the State Divisional Executive will consider the charge made against the member.

(vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be heard, whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the State Divisional Executive for their absence then the State Divisional Executive will adjourn the hearing of the matter to another time and/or place.

(vii) If the member charged attends the member will be informed of the substance and source of any information adverse to them on which the State Divisional Executive relies.

(viii) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themself and may, if the member wishes, provide written submissions to the State Divisional Executive.

(c) Power to Hear Charges

(i) The State Divisional Executive has power to hear and determine charges under this rule.

(d) Finding of the State Divisional Executive

(i) If the State Divisional Executive finds the member guilty, it may do one or more of the following:

(A) impose no penalty; or

(B) fine the member any sum not exceeding $1,000.00; or

(C) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act, provided that whilst suspension from membership will deprive a member of the benefits of membership it will not relieve the member of the obligations of membership and such suspension will not exceed 6 months for any offence and provided further that if the specified event has not occurred or the specified act has not been done at the expiration of 6 months from the date of suspension, the suspension will then lapse; or

(D) dismiss the member from any office or position in the State Division; or

(E) expel the member from the State Division.

(e) Grounds for Removal from Office

(i) Provided that the provisions of this rule do not provide for, or enable, the dismissal from office of a person elected to an office within the State Division unless the officer has been found guilty, pursuant to rule B66.

(f) Frivolous Charges

(i) If upon investigation the charge is found to be frivolous the $100.00 will be forfeited to the State Division.

(g) Payment of Fines

(i) Where a member is fined in accordance with this rule, the member is required to pay the fine within 10 days of having been notified, in writing, of the imposition of the fine.

(h) Appeals Against Charges

(i) An appeal will lie at the instance of the member charged from any decision under this rule from the State Divisional Executive to the State Divisional Council.

(ii) Notice of appeal must be given in writing within 10 days of the decision being communicated to the member charged and must set out all the matters that the member desires to be considered by way of appeal.

(iii) The notice of appeal will be given to the State Secretary, or in the case of an appeal by the State Secretary, to the State Divisional President.

(iv) The appeal will be dealt with at a meeting of the State Divisional Council to be held within 20 days.

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69 REMOVAL OF OFFICERS

(a) An officer of the State Division may be removed from office where that officer has been found guilty under the rules of the State Division, of:

(i) misappropriation of funds of the State Division or of the Union; or

(ii) a substantial breach of the rules of the State Division or of the Union; or

(iii) gross misbehaviour or gross neglect of duty; or

(iv) where that officer has ceased, under the rules of the State Division to be eligible to hold that office.

(b) Any Member of the State Division may charge an officer with any of the offences referred to in sub-rule (a)(i), (ii) and/or (iii).

(c) The Member making a charge will provide the officer charged and the State Secretary with particulars in writing of the offences alleged.

(d) The charge will be heard and determined by the State Divisional Council.

(e) When dealing with any such charge or allegation the State Divisional Council will take all reasonable care to ensure that it is carefully, and fully, dealt with and, in particular, that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge or allegation.

(f) The State Divisional Council may determine that any such charge or allegation is to be dealt with by written submissions including such documents as it may require.

(g) The decision as to whether the officer is guilty or not as charged or has ceased, under the rules of the State Division to be eligible to hold the office concerned will be made by resolution passed by a majority of the members of the State Divisional Council at the meeting called to deal with the matter.

(h) The State Divisional Council, where it finds an officer guilty of a charge made in accordance with this rule, as an alternative to removal from office, may determine to censure the officer concerned and/or suspend that officer from that office for a period not exceeding 90 days and/or impose any of the penalties provided for in rule B67.

(i) The State Secretary will inform the officer charged of the charges and the particulars of the charges, or the allegation and its particulars where it is alleged that the officer has ceased to be eligible to hold office, by notices in writing by certified mail in sufficient time to enable the officer to be in a position to properly defend himself or herself or respond to the allegation.

(j) In the event that a charge or allegation is made by or against the State Secretary, the State Divisional President will act in the State Secretary's place for the purposes of this rule.

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(k) The provisions of rule B67 will apply to the hearing of any charge or allegation made under this rule

69. DONATIONS/LOANS/GRANTS

(a) The State Divisional Executive will have the power to grant donations when application has been made in accordance with the provisions of these State Divisional rules

(b) Payments may be made for the purpose of relieving members who are in distress.

(c) No member who has been less than 3 months in the State Division will be eligible for assistance.

(d) Requests for donations for purposes other than the relief of members will be forwarded to the State Divisional Executive and must contain full particulars of the purpose of the proposed donation.

(e) Notwithstanding anything contained elsewhere in the ... rules a loan, grant or donation of any amount exceeding $1,000 00 will not be made by the Union, unless the State Divisional Executive has satisfied itself:

(i) that the making of the loan, grant or donation would be in accordance with these State Divisional rules and the Union's rules; and

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

and has approv... the making of the loan, grant or donation.

70. INTERPRETATION OF DIVISIONAL RULES

(a) The State Divisional Council will interpret all rules of the State Division requiring interpretation.

71. DIVISIONAL AFFILIATION

(a) The State Divisional Council has the power to affiliate with any industrial, educational or political organisations.

(b) Affiliation will not interfere with the personal rights of a member's political code.

72. DELEGATES

(a) The State Divisional Executive will appoint delegates to all bodies to which the State Division is affiliated and to which it sends delegates.

73. AMENDMENT OF DIVISIONAL RULES

(a) These State Divisional rules may be amended by a majority of members of the State Divisional Council provided that at least 5 days notice to amend these State Divisional rules has been given by the State Secretary to the State Divisional Council.

(b) Provided that the State Divisional Council may amend State Divisional rules, of which previous notice has not been given subject to two-thirds of State Divisional Council members determining to do so

(c) Provided further that amendments to the State Divisional rules, which amendment is in the view of the State Secretary, of an urgent nature, may be made without notice by:

(i) postal ballot, or

(ii) facsimile ballot; or

(iii) ballot conducted by means of telephone, via email, radio or skype,

of the State Divisional Council members to determine, on a simple majority, for or against the adoption of the amendments.

(d) The State Secretary will notify the Union Secretary of any rule change proposed to be made to the Divisional rules.

74 PLEBISCITES

(a) The State Secretary will, on receipt of a request in writing signed by 12 per cent of the Members, direct the conduct of a plebiscite of the Members on a matter concerning the State Division

(b) The State Divisional Executive may direct the conduct of a plebiscite of the Members on a matter concerning the State Division.

(c) A plebiscite will be conducted by secret ballot by the Returning Officer in accordance with this rule and is to be completed, in the case of a plebiscite under sub-rule (a) within 40 days of the receipt by the State Secretary of the request and in the case of a plebiscite under sub-rule (b) within 40 days of the direction by the State Divisional Executive.

(d) Where a request has been received under sub-rule (a) or a direction given under sub-rule (b), the State Divisional Executive must not, so far as is practicable until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.

(e)

(i) Where a majority of Members voting at a plebiscite approve the matter submitted to plebiscite, the State Divisional Executive must, so far as is practicable, implement the decision of the plebiscite;

(ii) in the event of a tied plebiscite the proposal is to be declared lost.

(f) Where a request is received under sub-rule (a) or a direction given under sub-rule (b), the State Secretary will advise the Returning Officer and the Returning Officer will conduct the plebiscite and take all necessary steps to ensure the secrecy of the ballot.

(g) The Returning Officer will determine the opening and closing dates of the ballot

(h) The State Divisional Executive and, where the plebiscite is held following a request pursuant to sub-rule (a) the Members who requested the plebiscite, may each appoint 2 scrutineers for the conduct of the ballot and if appointing must advise the Returning Officer of the name of each such scrutineer prior to the close of the ballot.

(i) The Returning Officer is to:

(i) on the opening date of the ballot forward, or cause it to be forwarded, by prepaid post or otherwise to each Member entitled to vote on the plebiscite, a ballot paper bearing the Returning Officer's signature together with a reply paid return envelope addressed to the Returning Officer; and

(ii) secure a locked facility for the return of the reply paid envelopes; and

(iii) give such directions to voters as the Returning Officer considers necessary; and

(iv) direct voters not to make any mark on the ballot paper which identifies them and that any such mark will render the vote invalid; and

(v) provide for a method of permitting financial members to vote whilst preserving the secrecy of the ballot.

(j) Subject to sub-rule (k) a scrutineer appointed under sub-rule (h) 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:

(i) it does not clearly express the voter's attitude to the question to which the plebiscite is directed, or

(ii) the ballot paper is in some other way irregular.

(k) A scrutineer must observe a direction given by the Returning Officer during the conduct of the ballot and must comply with any decision given by the Returning Officer.

(l) A voter will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter in accordance with the directions to voters given pursuant to sub-rule (i) and returning the completed ballot paper to

the Returning Officer in accordance with the Returning Officers' directions

(m) A vote cast in the ballot is informal if the intention of the voter is not clear.

(n) On completion of the counting of ballot papers returned in a plebiscite the Returning Officer will declare the result of the plebiscite by advising the State 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 upon the State Divisional Executive receiving a request in writing for a plebiscite it may, where the proposal contained in the request in writing for a plebiscite is capable of adoption by it, of its own motion adopt the proposal contained in the request in writing for a plebiscite and the adoption of the proposal contained in the request in writing for a plebiscite means that no plebiscite is required.

75. EXECUTION OF DOCUMENTS / NOTIFICATION OF DISPUTES

(a) Any cheque requiring to be signed will be signed by 2 members of the State Divisional Executive, one of whom must be the State Divisional President.

(b) Industrial agreements and other documents may be executed by, or on behalf of, the State Division by the State Secretary or a State Divisional Assistant Secretary who has the written delegation of the State Secretary.

(c) In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the Division for its part to genuinely attempt a settlement of the Industrial Dispute, then the State Secretary will forthwith give notification of the Industrial Dispute in the manner required by the Act.

76 ADMINISTRATIVE REGULATIONS

(a) The State Divisional Executive may create administrative regulations for the administration of the State Division.

(b) Administrative regulations may be amended by the State Divisional Executive and rule 573 does not apply to amendment of the administrative regulations.

77 STANDING ORDERS

(a) The following procedures will be adhered to as far as practicable at all meetings of the State Divisional Council, State Divisional Executive and Sub-branches.

(b) Despite sub-rule (a) the standing order for the State Divisional Delegates Convention are as provided in sub-rule (e).

(c) The State Divisional President will preside as chair at every meeting, or if at any meeting the State Divisional President is not present within 10 minutes after the time appointed for holding the meeting, or if present is not willing to act, then the State Divisional Vice-President will be chair or if the State Divisional Vice-President is not present at the meeting, or if present is not willing to act, then members present may choose 1 of their number to be chair of the meeting and any such person will whilst so acting have, for the purposes of conducting the meeting, the authority and power of the State Divisional President.

(d) The standing order for meetings, other than special meetings, will be:

(i) attendance and apologies;

(ii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;

(iii) business arising out of minutes ;

(iv) business as notified,

(v) correspondence;

(vi) financial statements and accounts;

(vii) reports;

(viii) general business on notice.

(e) The standing orders for the State Divisional Delegates Convention will be:

(i) attendance and apologies;

(ii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;

(iii) business arising out of minutes ;

(iv) business as notified.

(f) The standing order for special meetings, which cannot be suspended, will be:

(i) attendance and apologies;

(ii) business as notified

(g) Any motion to suspend the standing orders requires a 2/3 majority to be passed

(h) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to

adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

(i) No notice of motion entered on the notice paper will be proceeded with unless the person who has given such notice is present when the business is called in its order.

(j) No notice of motion will proceed unless it is seconded.

(k) Notices of motion not proceeded with will be struck out

(l) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

78. MINUTES

(a) The minutes of each meeting of the:

(i) State Divisional Delegates Convention; and

(ii) State Divisional Council, and

(iii) State Divisional Executive,

will be prepared by the State Secretary and forwarded to each member of the State Divisional Delegates Convention, State Divisional Council or the State Divisional Executive, as the case may be.

(b) Upon confirmation, at the next meeting of the State Divisional Delegates Convention, State Divisional Council or the State Divisional Executive, as the case may be, the minutes will be signed by the State Divisional President.

(c) A copy of the minutes of each of the State Divisional Delegates Convention, State Divisional Council or the State Divisional Executive meeting, as the case may be, will, upon their being confirmed, be available for inspection by Members during business hours.

79. RULES OF DEBATE

(a) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.

(b) A call for a seconder will duly be put twice at which time if the motion or amendment has not been seconded it will lapse.

(c) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair.

(d) No Member will address the meeting unless, and until, called upon by the chair.

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(e) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.

(f) The chair will call to order any speaker who departs from the question or who outrages the courtesies or rules of debate.

(g) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(h) All motions will be determined in the following manner:

(i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;

(ii) the seconder of a motion and all other speakers will be limited to 3 minutes;

(iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;

(iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later,

(v) after the motion has been moved and seconded, no more than 2 Members will speak in succession on one side, either for or 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 will at once be put to the meeting, subject to part (i) of this sub-rule

(i) All votes at meetings will be subject to the following:

(i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;

(ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 5 Members;

(iii) the chair will then declare the motion carried or lost.

(j) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

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(k) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:

(i) all amendments must be seconded;

(ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;

(iii) the effect of any proposed amendment cannot be to establish a direct negative to the question contained in the motion;

(iv) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;

(v) all amendments will be put before the original motion;

(vi) the mover of an amendment will not have a right of reply;

(vii) should an amendment be carried it becomes the substantive motion and thereon a further amendme... ...ay be proposed, however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (k).

(l) Where a motion is considered by a meeting without any amendments being proposed no Member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.

(m) Where an amendment is proposed a Member may speak for or against the proposed amendment.

(n) Any Member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the Member interrupting must not enter into argument.

(o) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration to rise and move "That the question be now put" and no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.

(p) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.

(q) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question will be closed and the chair will then call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.

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(r) A motion may be dealt with by:

(i) adoption as moved;

(ii) rejection as moved;

(iii) adoption after amendment of the subject matter.

(s) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:

(i) "The Order of the Day", i.e., that the next business in order be now taken;

(ii) postponement of the question, either to a definite time or a time to be fixed;

(iii) reference to a committee;

(iv) adjournment:

(A) of the debate;

(B) of the meeting.

(t) A motion for adjournment:

(i) may be moved and seconded at any time during the meeting;

(ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;

(iii) provides no right of reply for the mover of the motion;

(iv) will be successful if carried by a majority of Members present.

(u) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

(v) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

(w) Any Member may rise to a point of order when the member considers the rules of debate to have been violated, provided that the member must submit the "point of order" to the chair, who will decide the question as prescribed in sub-rule (v).

(x) Upon the point of order being raised, the member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.

(y) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.

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(z) On the motion of dissent becoming seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(aa) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.

(bb) The procedure to determine a motion of dissent will be as follows:

(i) the Member moving the motion of dissent will be given 5 minutes to support the motion;

(ii) the chair will be given 5 minutes to defend their ruling;

(iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

(cc) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded.

(dd) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a majority, provided that the Member will have given notice at a previous meeting.

(ee) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting.

(ff) The vote on such proposition when seconded will then be taken without discussion.

60 DISSOLUTION OF THE DIVISION

(a) If the number of Members is 21 or less the Division will be dissolved.

(b) If the Division is dissolved, the Divisional Fund of the Division will be vested in the Divisional Fund of the Division to which the Members become attached.

SCHEDULE

SCHEDULE 1 C & G

MODEL RULES

1. DEFINITIONS

a) "State Division rules" means the rules of the State Construction and General Division of The Construction, Forestry, Mining and Energy Union, Industrial Union of Employees, Queensland.

b) "model rules" means these rules.

2. INTERPRETATION

a) Words and phrases in these rules will have the same meaning as are given to these words and phrases by the State Division rules.

b) These rules are to be interpreted in the same way as the State Division rules.

3. SUB-BRANCH RULES

a) Sub-branch Executive

i) Each Sub-branch must have a Sub-branch Executive.

b) Sub-branch Executive Membership

i) Membership of each Sub-branch Executive will consist of:

(1) a Sub-branch President; and

(2) not less than 2, or more than 10, other Sub-branch Executive Members,

elected from, and from, the Members of the Sub-branch.

ii) The Sub-branch Executive will, at its meeting held immediately prior to nominations being called for the election of members to the Sub-branch Executive, determine the number of other members to be elected, provided that where there has been no determination by the Sub-branch Executive of the number of other Sub-branch Executive Members then the number will be 2.

iii) All members of the Sub-branch Executive will be elected in accordance with the Election Procedures of the State Division rules

iv) A member of a Sub-branch Executive who is no longer a Member of the Sub-branch ceases to be a member of the Sub-branch Executive.

v) The Sub-branch will, at its first meeting immediately following elections, and in accordance with rule B50 of the State Division rules elect from the members of the Sub-branch Executive a:

(1) Deputy Sub-branch President;

(2) Sub-branch Minute Secretary.

c) Powers And Duties

i) The Sub-branch Executive will, subject to the State Division rules, these model rules, Policy and the control of the State Divisional Executive, do all such things as are necessary to control and manage the affairs of the Queensland Sub-branch, and provide for its good government.

ii) Without limiting part (i) the Sub-branch Executive has autonomy with respect to the conduct of the Sub-branch in so far as its decisions relate to the Members of the Sub-branch.

iii) The Sub-branch Executive will, through its chair, or as requested by the State Division Executive, submit to the State Divisional Executive a report of the business of the Sub-branch and/or such other matters as the State Divisional Executive may require.

d) Sub-branch Executive Meetings

i) The Sub-branch Executive will meet at least 2 times per year and on such other occasions as its members may determine.

ii) The Sub-branch Minute Secretary will upon the request of the Sub-branch President, or any 2 members of the Sub-branch Executive summon a meeting of the Sub-branch Executive.

iii) The Sub-branch Minute Secretary, when summoning members to meetings of the Sub-branch Executive, will give at least 24 hours notice by such means as are practicable in the circumstances, including by post, facsimile, text messaging, email, phone or in person.

iv) Parts i) and ii) do not prevent the State Secretary from summoning a meeting of the Sub-branch if the State Secretary considers it appropriate or the State Divisional Executive requires it, and if summoning a meeting will comply with part iii).

v) Sub-branch Executive meetings may be conducted by telephone, video conferencing, Internet conferencing, radio or any other method by which members of the Sub-branch Executive are able to communicate with each other without being physically present.

vi) A member of the Sub-branch Executive not present at a meeting, or part of a meeting, may appoint in writing another member of the Sub-branch Executive as proxy to exercise their vote at the meeting.

vii) No Sub-branch Executive Member will hold more than 1 proxy at any meeting.

viii) At any meeting of the Sub-branch Executive a majority of the total membership of the Sub-branch Executive will constitute a quorum.

ix) If at any meeting of the Sub-branch Executive no quorum is present 30 minutes after the time fixed for the commencement of the meeting:

(1) such meeting will be adjourned for not less than 3 days nor more than 10 days;

(2) members of the Sub-branch Executive will be given 2 days notice of the date, time and place to which the meeting has been adjourned by such means as is practicable in the circumstances, including by post, facsimile, text messaging, email, phone or in person.

x) if no quorum is present at a meeting adjourned pursuant to part ix) then those Sub-branch Executive Members present in accordance with part (v) are quorum for the purpose of the business to be determined.

xi) At meetings of the Sub-branch Executive each member of the Sub-branch Executive has 1 vote and so there can be no doubt the Sub-branch President has a deliberative vote only.

xii) Voting will be by show of hands, except if the Sub-branch Executive determines otherwise.

xiii) Decisions will be by simple majority of the votes cast by those present in accordance with part (v), unless otherwise provided by these model rules.

xiv) A Sub-branch Executive Member absent from 3 consecutive meetings of the Sub-branch Executive without having sought a leave of absence and/or having a satisfactory explanation may be removed by resolution of the Sub-branch Executive without notice to the Sub-branch Executive Member concerned.

xv) The minutes of each Sub-branch Executive meeting will be prepared by the Minute Secretary for presentation to the next meeting of the Sub-branch Executive.

xvi) A copy of the minutes of each Sub-branch Executive meeting will be made available for inspection by:

(1) the members of the Sub-branch, and/or

(2) the State Secretary.

e) Sub-branch General Meetings

i) A Sub-branch Executive may determine to hold an annual general meeting of the Members of the Sub-branch and such other general meetings as they consider necessary and appropriate.

ii) Members of the Sub-branch are to be given 10 days notice of the annual general meeting by such means as is practicable including by post, facsimile, text messaging, email, phone or in person.

iii) Any Member of the Sub-branch will, where an annual general meeting is to be held, be entitled to submit an item of business for consideration by the annual general meeting, which will be included in the business of the meeting, provided that such an item of business must be submitted to the Sub-branch Minute Secretary not later than 5 days prior to the holding of the annual general meeting.

iv) At the written requisition of not less than 33% of the Members of the Sub-branch, which requisition is to be addressed to the S ate Secretary and must clearly state the business to be considered, the State Secretary will cause a special general meeting of the Sub-branch to occur within 1 month of the date of the State Secretary's receipt of the requisition.

v) Only the business stated in the requisition fo the meeting may be considered at the special general meeting.

vi) Members of the Sub-branch will be given at least 5 days notice of such a meeting by such means as is practicable including by post, facsimile, text messaging, email, phone or in person and the notice must set out the business to be dealt with at the meeting.

vii) Any Members of the Sub-branch unable to attend a general meeting may appoi t another Member of the Sub-branch as their proxy to the meeting.

viii) A proxy will be in writing and will be handed to the Sub-branch President prior to the commencement of the meeting.

ix) No Member of the Sub-branch will hold more than 1 proxy at any special genera meeting.

x) The quorum for a meeting will be 33% of the number of Members of the Sub-branch entitled to attend and vote and, for the purposes of this part, a proxy counts for the purposes of quorum.

xi) The State Secretary is entitled to attend the special general meeting , and to speak, move and second resolutions and to vote

f) Committees

i) The Sub-branch Executive may, from time to time, establish committees to further the work of the Sub-branch.

ii) A committee is to be comprised of such Members of the Sub-branch as the Sub-branch Executive determines

iii) The Sub-branch Executive has the power to delegate to a committee its powers, or some of its powers, for so long and for such purpose as it considers appropriate and necessary.

iv) A committee is responsible to, and under the control of, the Sub-branch Executive.

v) A committee formed pursuant to this sub-rule will meet regularly, or as otherwise required by the Sub-branch Executive, and will promptly report to the Sub-branch Executive on its deliberations.

vi) The Sub-branch Executive can dissolve committees if it considers it appropriate to do so.

vii) A committee will meet and conduct its business by adopting and complying with the rules provided in this schedule for the Sub-branch Executive.

viii) A committee cannot delegate any of the authority given to it, to any person or other body.

g) Sub-branch President/ Sub-branch Deputy President

i) The Sub-branch President is the presiding officer of the Sub-branch.

ii) The Sub-branch President presides at all meetings of the Sub-branch when present, and preserves the order, so that business may be conducted in accordance with the standing orders.

iii) The Sub-branch President must be impartial and is to ensure that the State Division rules and these model rules are complied with.

iv) If the Sub-branch President is not in attendance at a meeting within 15 minutes of the commencement time then the Sub-branch Deputy President will act in the absence of the Sub-branch President as the Sub-branch President, and will act with the powers of the Sub-branch President.

v) Leave of absence may be granted by the Sub-branch Executive to the Sub-branch President for any purpose and for any period of time and the Sub-branch Deputy President will act, in the absence of the Sub-branch President, as the Sub-branch President and with all the powers of the Sub-branch President.

h) Sub-branch Minute Secretary

i) The Sub-branch Minute Secretary will:

(1) be responsible for ensuring the conduct and management of the affairs of the Queensland Sub-branch, on a day to day basis;

(2) take advice from the Sub-branch President as to the course to be pursued in any matters pending the next meeting of the Sub-branch Executive; and

(3) perform the other obligations provided by these model rules.

i) Sub-branch Auditor

i) Where an audit is required to be conducted in relation to a Sub-branch, the auditor of the Sub-branch will be the auditor of the State Division.

ii) The auditor must be given access to all registers, books, papers, deeds and documents of the Sub-branch and permitted to examine any member of the Sub-branch Executive in regard to financial matters relating to the Sub-branch.

iii) The auditor will report to the State Divisional Executive

iv) The auditor will have power to make recommendations to the Sub-branch Executive and/or the State Division Executive concerning the financial affairs of the Sub-branch.

4. FUNDS AND PROPERTY

a) A Sub-branch will not, other than funds required for immediate use and as provided by the State Divisional executive, hold funds and will not have any financial accounts opened in its name

b) All monies or property under the custody or control of the Sub-branch, and which are not required for immediate use, will be held in the State Divisional Fund in the name of the State Division

c) Any property or funds held by a member of the Sub-branch Executive or a member of the Sub-branch whether expressed, to be in the name of the State Division or not, will be held on trust by that person for, and on behalf of, the State Division.

d) Any member of the Sub-branch Executive and/or any member of the Sub-branch holding property of the Sub-branch irrevocably appoints the State Secretary to act as their agent in all transfers and dealings.

e) Members of the Sub-branch Executive or members of the Sub-branch must account for such property and funds in accordance with these model rules.

f) Any member of the Sub-branch Executive, or a member of the Sub-branch, who holds any State Division property or monies and who has a demand made to them by the State Secretary to deliver up that property or those monies, must promptly do so.

g) Funds provided to the Sub-branch from the State Divisional Fund may only be used for purposes associated with the Sub-branch and which further the objectives of the Union.

5. RETURNING OFFICER

a) The Sub-branch returning officer will be the Returning Officer of the State Division.

6. STANDING ORDERS

a) The Sub-branch Executive will comply with the standing order.

7. RULES OF DEBATE

a) The Sub-branch Executive will comply with the rules of debate.

PART C RULES

1. NAME

(a) The name of the division is the Mining, Energy and Ports District.

2. OFFICE

(a) The principal office of the District is the 2nd Floor, 61 Bowen Street, Spring Hill, or such other place as the District Board may determine.

3. DEFINITIONS

(a) In these District rules, which are the Part C rules, the following words and phrases have the meaning set out as follows:

(i) "Act" means the *Industrial Relations Act 1999* (Qld);

(ii) "CFMEU" means The Construction, Forestry, Mining and Energy Union, Industrial Union of Employees, Queensland;

(iii) "Contractors" means entities who employ workers, falling within the eligibility of the Union and who would be attached to the District, at more than one location but which entity does not own and manage any relevant minesite or production facility;

(iv) "counterpart federal body" means the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, Queensland District Branch;

(v) "District" means this Division, the Mining, Energy and Ports District;

(vi) "District Fund" means the fund established in accordance with rule C64;

(vii) "District Executive Officers" are the:

(A) District President;

(B) District Executive Vice-President;

(C) District Vice Presidents; and

(D) District Secretary;

(viii) "District Journal" means a journal produced, or caused to be produced, by the District which is provided free of charge to the Members;

(ix) "District Lodge Delegate" means the delegate of a District Lodge elected in accordance with rule C45(c);

(x) "District Officers" are all of the officers of the District including the District Executive Officers;

(xi) "District Policy" means policy of the District determined in accordance with rule C21;

(xii) "District Register" means the register kept in accordance with rule C6(a);

(xiii) "District Representative" means a representative of a Section;

(xiv) "District Section" means a section of District Lodges determined in accordance with rule C45;

(xv) "District Website" means a website established, or caused to be established, by the District that is accessible by Members free of charge;

(xvi) "Election Procedure Rules" means rules C48 to C75, inclusive;

(xvii) "financial member" means any member who has paid all subscriptions, fines, levies and dues in accordance with these District rules.

(xviii) "Financial Statements" means any financial documents that explain the methods and calculations about how the District accounts are made up and correctly record and explain the District's transactions and financial position;

(xix) "Life Member" means a Member appointed in accordance with rule C13 as a life member;

(xx) "Member" means a financial member of the District;

(xxi) "Principal Office" means the location provided for in rule C2

(xxii) "Quadrennial Elections" means an election held in accordance with rule C45;

(xxiii) "Retired Member" means a Member who has applied pursuant to rule C14 to be a retired member;

(xxiv) "Union" means The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

4. INTERPRETATION

(a) In these Part C rules:

(i) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(ii) where the last day of any period prescribed or allowed by these Part C rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iii) the singular includes the plural and the plural includes the singular;

(iv) a reference to the District's callings is a reference to those callings contained in part "B" of the Unions registered callings;

(v) a reference to a statute includes any:

(A) statute amending, consolidating or replacing the statute; and

(B) regulation made under the statute as that regulation is in force from time to time;

(vi) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced;

(vii) headings will not be taken into account in interpreting these Part C rules;

(viii) a reference to a "rule" is, unless the context clearly indicates otherwise, a reference to a rule of these Part C rules;

(ix) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(x) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xi) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part C rules and that schedule is a part of these Part C rules;

(xii) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June in the year next following;

(xiii) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

(xiv) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm

(b) A reference in a Schedule to these Part C rules to the "rules" is a reference to these Part C rules and all words and phrases in the

Schedule have the same meaning as those words and phrases have in these Part C rules.

(c) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows:

(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the Construction and General Division;

(iii) Part C – the rules that provide for the Mining, Energy and Ports District,

and a reference to one of those parts is a reference respectively to parts (i) to (iii),

(iv) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(v) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vi) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(vii) a reference to Divisional rules is a reference to the rules of the Divisions;

(viii) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules;

(ix) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules.

5. APPLICANTS FOR MEMBERSHIP

(a) An applicant for membership of the District must apply for membership to the District Secretary.

(b) Applications for membership of the District will be:

(i) in the form determined by the District Executive (for this rule the "application form"); and

(ii) signed by the person applying for membership (for this rule the "applicant").

(c) The District may publish the application form, determined pursuant to sub-rule (b)(i), by the means it considers appropriate.

(d) The District may, without limitation to sub-rule (c), publish and accept applications for membership by the internet.

(e) The provisions of the Electronic Transactions (Queensland) Act 2001 apply to any applications received by means of the internet and an applicant for membership will be taken to have signed the application form if the requirements of s14 of the Electronic Transactions (Queensland) Act 2001 are met.

(f) No omission, irregularity or want of form will invalidate an application for membership provided that:

(i) the applicant intended the document they submitted to the District to be an application for membership, and

(ii) the State Division treated the document submitted as an application form for membership.

(g) An application for membership may be submitted at any office of the District.

(h) An applicant will become a member of the District from the date the District Secretary receives the application.

(i) The District Secretary may, or the District Secretary may require the District Secretary to refer any application to the District Administrative Committee for approval.

(j) Where an application for membership is referred pursuant to sub-rule (i) the applicant will not, despite sub-rule (h), become a member of the District until the District Board has approved the application and the applicant will become a member of the District from the date of approval

(k) When an applicant is admitted to membership of the District pursuant to this rule the applicant's information will be entered in the District Register.

(l) The District Secretary will, at the time of entering an applicants name in the District Register, advise the Union Secretary of the acceptance of the applicant's membership and provide any information that the Union Secretary may reasonably require for the purposes of entering the applicant's name, residential address and date of admission to membership and divisional membership in the Union's Register

(m) The District Secretary will promptly advise an applicant who has been admitted to membership of:

(A) their financial obligations as a member of the District and of the Union, and

(B) how, and when, they may resign from membership of the District and of the Union

(n) The District Secretary will promptly advise the Union Secretary of:

(i) admission to membership of new members of the District, and

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(ii) particulars relating to the new members admitted which are required for completion of the District Register.

6 DISTRICT REGISTER

(a) The District Secretary will keep a District Register containing, as far as the District Secretary is able to reasonably determine, the following information in relation to members, their:

(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) place of employment;

(vi) classification;

(vii) District Lodge;

(viii) date of admission;

(ix) date of resignation; and

(x) any other information required by the Act.

(b) The District Secretary will keep the District Register arranged according to the District Lodges to which members are attached

(c) Any member changing the information required by sub-rule (a) will promptly notify the District Secretary who will promptly amend the District Register.

(d) The District Secretary will, at the time of changing member information in the District Register, advise the Union Secretary of the change in information and provide any information that the Union Secretary may reasonably require for the purposes of maintaining the Union Register.

(e) The District membership register is, in the event of a member failing to notify any change in their information pursuant to this rule, conclusive proof for the purposes of these District rules of the matters set out in the District Register.

(f) The District Secretary will keep a District Officers Register containing the following information, the:

(i) names of the District Officers; and

(ii) offices held by the District Officers; and

(iii) residential addresses of the District Officers.

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(g) The District Secretary will, at the time of entering an officer's information on the Officers Register, advise the Union Secretary and provide any information that the Union Secretary may reasonably require to ensure that the Unions Register of Officers is maintained.

(h) The District Secretary will, at the time of changing officer information on the Officers Register, advise the Union Secretary of the change in information.

(i) The District Executive may purge an unfinancial member from the membership of the District and direct the District Secretary to remove the members name from the District Register.

(j) The District Secretary will advise the Union Secretary of the name of any member purged from the membership and the date of the member being purged.

(k) The District Secretary will advise the Union Secretary of the names of any member who has resigned from the District.

7. PAYMENT OF ENTRANCE FEES, SUBSCRIPTIONS, LEVIES AND FINES

(a) Every member will pay entrance fees, subscriptions, levies and fines as required by these District rules

(b) A member's entrance fees, subscriptions, levies and fines are to be paid to the District Secretary

8 ENTRANCE FEE

(a) An entrance fee is payable to the District on admission to membership.

(b) The amount of the entrance fee will be determined by the District Board.

(c) An entrance fee, subject to the Act, is payable to the District by an applicant for re-admission to membership

(d) The amount of the entrance fee payable by an applicant for re-admission will be determined by the District Board.

9. SUBSCRIPTIONS

(a) Subscriptions are to be paid to the District and will be at the annual rate determined annually by the District Board.

(b) District Lodge subscriptions, if any, are to be paid to the District Lodge will be at the annual rate determined by a majority vote of the District Lodge members of the District Lodge concerned.

(c) Apprentices or trainees who are members of the District and not in receipt of adult wages will pay one half of the annual subscription.

(d) Apprentices and trainees, financial in accordance with sub-rule (c), are entitled to all the privileges of membership in accordance with rule C12(a).

(e) Subscriptions are to be paid fortnightly in advance and may be paid by the following means:

(i) credit card; or

(ii) direct debit.

10. LEVIES

(a) The District Board may, subject to sub-rule (d) set a levy for payment by members:

(i) of the District;

(ii) of a District Lodge; or

(iii) who follow a particular calling of the District,

provided that any levies set pursuant to parts (ii) or (iii) may only be utilised, respectively, for the benefit of the members in the District Lodge or who follow the callings concerned

(b) Levies are to be paid fortnightly in advance and may be paid by the following means:

(i) credit card; or

(ii) direct debit.

(c) Despite sub-rule (b), where the levy is an amount of less than $50.00 it will be paid as a single payment by the following means:

(i) credit card; or

(ii) direct debit.

(d) Payment of levies is not compulsory for apprentices and trainees and an apprentice or trainee that is financial in accordance with rule C9(c) remains financial whether or not they pay a levy.

11. MEMBERSHIP OF COUNTERPART FEDERAL BODY

(a) Notwithstanding rule C9 a member of the District will not be required to pay subscriptions otherwise payable pursuant to these District rules and will be deemed for all purposes of these District rules to be a financial member of the District for the period during which the member is:

(i) in accordance with the registered rules of the CFMEU, a financial member of the CFMEU; and

(ii) attached to the Queensland District Branch of the Mining and Energy Division of the CFMEU.

(b) If a member of the District, who is entitled to the benefit of sub-rule (a), ceases to be a financial member of the CFMEU or being a financial member of the CFMEU ceases to be assigned to the Queensland District Branch of the Mining and Energy Division of the CFMEU, then the member forthwith, from the happening of either event, becomes liable for the payment of all membership fees under these District rules as if the member had either joined the District on the date that:

(i) they had become unfinancial under the rules of the CFMEU; or

(ii) had ceased to be attached to the Queensland District Branch of the Mining and Energy Division of the CFMEU,

whichever is the earlier however upon:

(iii) the payment of any arrears to the CFMEU a. * the member otherwise becoming a financial member of the MEU; and

(iv) the member again being attached to the Queensland District Branch of the Mining and Energy Division of the CFMEU,

any arrears or liability to pay membership fees and other fees arising under these District rules will be extinguished.

12. MEMBERS' ENTITLEMENTS

(a) Members are entitled to:

(i) attend meetings of their District Lodge or of the District;

(ii) move, or second, resolutions of their District Lodge or of the District;

(iii) speak at any meeting of their District Lodge or of the District;

(iv) vote in any ballot of their District Lodge or of the District,

(v) vote in any plebiscite of the District;

(vi) subject to these District rules nominate, or second, nominations for office of their District Lodge or of the District;

(vii) if a candidate in an election for any office in the District appoint a scrutineer;

(viii) subject to these Part C rules hold office in the their District Lodge or in the District;

(ix) receive the District Journal, or any other publication of the District, free of charge;

(xi) inspect, in accordance with these Part C rules, the District Register;

(xii) inspect, in accordance with these Part C rules, the District Officers Register;

(xiii) inspect, in accordance with these Part C rules, the minutes of the District;

(xiv) receive, subject to rule C20, a copy of these District rules or of the Unions rules; and

(xv) access the District's services.

13. LIFE MEMBERS' ENTITLEMENTS

(a) A Member, who has provided exemplary service to the District, may be appointed as a Life Member, and will remain a Life Member of the District following their retirement from the industry of the District.

(b) Life Members will be appointed by the District Convention on the recommendation of the District Board.

(c) Life Members who are employed in the industry of the District have the same entitlements as Members.

(d) Life Members, who are no longer employed in the industry of the District, are entitled to:

(i) receive the District Journal, or any other publication of the District, free of charge; and

(ii) access the District's non-industrial services.

(e) A Life member is exempt from the payment of:

(i) subscriptions; and

(ii) levies.

14. RETIRED MEMBERS ENTITLEMENTS

(a) A Member who has been a continuously financial member of the District for 5 years or more, may on retiring from the industry of the District through age or infirmity, apply to become a Retired Member of the District.

(b) Retired Members are entitled to:

(i) receive the District Journal, or any other publication of the District, free of charge; and

(ii) access the District's non-industrial services.

(c) A Retired Member is exempt from the payment of

(i) subscriptions, and

(ii) levies.

15 UNEMPLOYED MEMBERS

(a) A member, who is unable to pay subscriptions and/or levies by reason of being unemployed may apply to the District Secretary for registration on the District Unemployed Members Register, and will, if registered, be entitled to all the privileges of membership in accordance with rule C12(a) without the payment of subscriptions or levies.

(b) The District Secretary will provide all applications for registration pursuant to sub-rule (a) to the District Executive for their approval.

(c) Where an application is approved by the District Executive the District Secretary will enter the applicant's name, address and the date of approval in the District Unemployed Members Register.

(d) A member who has been registered pursuant to sub-rule (c) must advise the District Secretary in the event that they gain employment.

(e) The District Executive has the power to:

(i) remove the name of any member from the District Unemployed Members Register for any reason it considers appropriate, and/or

(ii) may prescribe a period during which a member will not be eligible to be registered on the District Unemployed Members Register.

(f) Nothing prevents the District Lodge Secretary, of the District Lodge in relation to which a member who is entitled to seek registration pursuant to sub-rule (a) is attached, from making the application required by sub-rule (a) on the members behalf.

(g) The District Secretary is to submit the District Unemployed Members Register to the District Executive for consideration at each District Executive meeting.

(h) The continuing registration of a member on the District Unemployed Members Register is at the discretion of the District Executive.

16. WAIVER OF FEES

(a) The District Board may determine to waive in whole or in part

(i) entrance fees;

(ii) subscriptions;

(iii) levies;

(iv) fines; or

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(v) arrears,

for a member, or group of members, where the District Board considers it is appropriate, and for the benefit of the District, to do so.

17. RESIGNATIONS

(a) A member may resign from the District by written notice addressed and delivered to the District Secretary.

(b) Notification of resignation is given if it is:

(i) given to the District; or

(ii) addressed to the District, or any officer of the District, and is sent to an office of the District

(c) If a member specifies in their notification a day or time at which the resignation from the District is to be effective, being a day or time subsequent to the time when notification is given, the membership of the member terminates on the day, or at the time, specified and not before, unless membership is sooner terminated by the District in accordance with these District rules.

(d) Resignation of membership of the District does not affect the liability of the former member to pay:

(i) entrance fees;

(ii) subscriptions;

(iii) levies; and/or

(iv) fines,

owing to the District at the date of resignation, and which had become payable to the District during the 12 months prior to the date of resignation.

(e) Moneys owed to the District may, subject to the Act and the Union's rules, be sued for and recovered by the District Secretary in the name of the Union

18. UNFINANCIAL MEMBERS

(a) Subject to rules C9 and C10, any member owing entrance fees, subscriptions, levies and fines for more than 10 days is not entitled to any of the privileges of membership provided by rule C12.

(b) A member who terminates their membership without paying all entrance fees, subscriptions, levies and fines, which arose for payment in the 12 months preceding the termination of membership, will not, subject to the Act, be readmitted as a member of the District until:

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(i) payment has been made of all outstanding entrance fees, subscriptions, levies and fines as set out in this sub-rule; and

(ii) the District Board approves the application.

18. INFORMING NEW MEMBERS

(a) The District Executive will promptly take all reasonable steps to inform potential applicants for membership of the benefits of membership of the District.

(b) District Lodge Executives will promptly take all reasonable steps to inform potential applicants for membership of the benefits of membership of the:

(i) District; and

(ii) District Lodge.

20. RULE BOOK

(a) Every Member on admission is entitled to request from the District Secretary, free of charge, a copy of the rules of the District or of the Union.

(b) The District Secretary will promptly provide to a Member requesting a copy of the rules of the District or of the Union, other than as provided for by sub-rule (a), a copy of those rules on the payment of $6.

(c) The District Secretary may, in the District Secretary's discretion, in relation to a request made pursuant to sub-rules (a) or (b) provide a Member:

(i) with an electronic copy of the rules; or

(ii) provide access for the Member concerned to a Members' only website where a current version of the District rules and the Union's rules are maintained.

(d) Where rules are provided pursuant to sub rule (c)

(i) the District Secretary does not have to provide a printed copy of the rules; and

(ii) the rules and/or access to the rules will be provided at no cost to the Member.

21. DISTRICT POLICY

(a) District Policy is binding on the:

(i) District Convention;

(ii) District Board;

(iii) District Executive;

(iv) District Administration Committees;

(v) District Officers;

(vi) District Lodges; and

(vii) members,

provided that District Policy can only be amended in accordance with these District rules.

22. DISTRICT CONVENTION

(a) There will be a District Convention comprised of the:

(i) District Lodge Delegates;

(ii) District Executive Officers;

(iii) District Councillors; and

(iv) District Representatives.

23 POWERS OF THE DISTRICT CONVENTION

(a) The District Convention is, subject to these District rules, the supreme policy making body of the District.

(b) Without limiting the power provided by sub rule (a) the District Convention has, subject to these District rules, power to:

(i) review the outcomes and conduct of the District in the period since the last meeting of the District Convention;

(ii) determine appeals from:

(A) District Lodges; and

(B) members,

against decisions made by the:

(C) District Board;

(D) District Executive;

(E) District Administrative Committee; or

(F) a District Officer;

(iii) debate and determine matters submitted by the District Lodges;

(iv) amend these Part C rules;

(v) seek amendment to the Union's rules;

(vi) amend District Policy;

(vii) establish guidelines for the general conduct of the District by the:

(A) District Board,

(B) District Executive,

(C) District Administrative Committee; and

(D) District Officers;

(viii) appoint Members as Life Members on the recommendation of the District Board;

(ix) do any thing else expressly provided by these District rules,

(x) authorise expenditure from the District Fund, as necessary, for the management of the District; and

(xi) do all other things, necessary and appropriate, to achieve the Union's objects.

24. MEETINGS OF THE DISTRICT CONVENTION

(a) The District Convention will meet:

(i) at least once in every four years; and

(ii) no later than six months following the District's Quadrennial Elections,

on the date that the District Executive determines.

(b) The District President will chair the District Convention, however if the District President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President and if the Executive Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District President.

(c) The quorum for the District Convention is ½ the members of the District Convention entitled pursuant to sub-rule (d) to have a deliberative vote, and quorum must be in place for a ballot of the District Convention to occur.

(d) Only the following members of the District Convention have a deliberative vote, the:

(i) District Lodge Delegates; and

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(d) District Executive Officers.

(e) The chair of the District Convention has both a deliberative and a casting vote.

(f) Four months prior to the date determined pursuant to sub-rule (a) the District Secretary will:

(i) give notice to each District Lodge Secretary; and

(ii) call for District Lodges to submit agenda items.

(g) The District Secretary will allow at best 2 months for the submission of agenda items.

(h) The District Secretary will prepare the agenda for the District Convention.

(i) The District Secretary will, one month prior to the date determined pursuant to sub-rule (a), forward the agenda prepared pursuant to sub-rule (g) to the:

(i) District Lodge Secretaries; and

(ii) District Lodge Delegates.

(j) Despite sub-rules (f), (g) and (h) the District Convention may, subject to a vote of the District Convention, accept further agenda items submitted during the course of the District Convention.

(k) The District Convention, may, at its first session determine to vary the standing orders provided by rule C105.

(l) The District will meet the costs of the District Convention, other than the costs associated with the attendance of:

(i) the District Lodge Delegates, and

(ii) observers.

(m) Despite sub-rule (k) the District will pay an amount, as determined by the District Board, to the District Lodges for the attendance cost of their District Lodge Delegate provided that the amount accepted as payment by a District Lodge cannot be more than the cost that the District Lodge incurred by the attendance of their District Lodge Delegate at the District Convention.

25. ENDORSEMENT OF DECISIONS OF THE DISTRICT CONVENTION

(a) The District Secretary will cause minutes to be prepared of the proceedings of meetings of the District Convention.

(b) The minutes of the District Convention, prepared pursuant to sub-rule (a), are to be adopted, with or without amendment, by the District Convention before a meeting of the District Convention concludes.

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(c) The minutes adopted in accordance with sub-rule (b) will set out the resolutions requiring endorsement as provided by these Part C rules.

(d) The minutes, adopted in accordance with sub-rule (b), will be forwarded to the District Lodges.

(e) The District Secretary will promptly take all steps necessary to seek endorsement of decisions of the District Convention as required by these Part C rules.

(f) Only those determinations of the District Convention endorsed pursuant to sub-rule (e) become District Policy.

26. DISTRICT BOARD

(a) The District Board is comprised of the:

(i) District President;

(ii) District Executive Vice President;

(iii) District Secretary;

(iv) District Councillors; and

(v) District Representatives.

(b) The District Board is the management committee of the Division.

27. POWERS OF THE DISTRICT BOARD

(a) The District Board will, between meetings of the District Convention, control and direct the Queensland District and without limitation to that power, will subject to these District rules:

(i) manage the business of the District;

(ii) amend, subject to rule C62, District Policy;

(iii) determine the amount of levies and subscription to be charged to members of the District;

(iv) review the decisions of the District Executive;

(v) consider requests made by the District Lodges;

(vi) attend to resolving grievances of the District Lodges in relation to:

(A) work;

(B) wages; and/or

(C) conditions;

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(vii) determine appeals from the District Lodges;

(viii) reserve any decision of a District Lodge,

(ix) determine appeals from Members in relation to decisions of the District Lodges,

(x) determine penalties in relation to members of District Lodges;

(xi) determine penalties in relation to the District Lodges;

(xii) determine appeals by Members from decisions of the District Executive,

(xiii) consider, and determine, any request made of the District by the Union or another Division of the Union;

(xiv) consider, and determine, any request made of the District from other organisations;

(xv) receive, adopt or otherwise deal with the District Financial Statements;

(xvi) determine the:

(A) salaries;

(B) allowances; and/or

(C) conditions,

of full-time and/or part-time officers and employees of the District,

(xvii) make recommendations to the District Convention of candidates for appointment to Life Membership

(xviii) amend these Part C rules;

(xix) do anything else expressly provided by:

(A) these District rules; or

(B) District Convention;

(xx) submit matters that are determined to be of sufficient importance to the members of the District for decision by ballot in accordance with the procedure provided by rule C53; and

(xxi) do all other things, necessary and appropriate, to achieve the Union's objects.

(b) Despite sub-rule (a) no monies are to be paid to any political organisation until the resolution of the District Board has been approved in accordance with rule C62

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(c) The affiliations of the District will be as determined by the District Board subject to these District rules.

25. DISTRICT BOARD MEETINGS

(a) The District Board will meet at least three times a year, and usually, during:

(i) March;

(ii) August; and

(iii) December,

provided that the District Board may meet at such other times as the District Board, or the District Executive, considers necessary.

(b) The December meeting of the District Board will be the annual general meeting of the District.

(c) The District Secretary will in consultation with the members of the District Executive formulate an agenda setting out the business to be dealt with at the District Board meetings.

(d) The District Secretary will give members of the District Board at least 10 days notice of meetings of the District Board and will provide to the members of the District Board:

(i) notice of the meeting;

(ii) an agenda for the meeting; and

(iii) associated papers.

(e) Notice of the meeting required to be given in accordance with sub-rule (d) may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS; or

(v) by such other electronic or telegraphic means as may be available.

(f) Meetings of the District Board are to be conducted as meetings of persons assembled

(g) Meetings of the District Board will be held at the Principal Office unless the District Board or the District Executive determines otherwise.

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(h) The District President will chair meetings of the District Board, however if the District President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District President.

(i) The quorum for meetings of the District Board is:

(i) a District Representative from each of at least three District Sections; and

(ii) at least two members of the District Executive.

(j) The members of the District Board have a deliberative vote at meetings of the District Board.

(k) The chair of the District Board has both a deliberative and a casting vote.

(l) The members of the District Board, in attendance at a meeting of the District Board, are required to cast a vote whether for, or against, the proposition in each matter the subject of a board of the District Board.

(m) A member of the District Board not able to attend a meeting of the District Board, of which notice has been given in accordance with these Part C rules, without giving an explanation which is accepted by the majority of the members of the District Board may be fined by the District Board an amount not exceeding $500, or such other sum as the District Convention may determine, or be otherwise disciplined in accordance with these Part C rules.

29. SPECIAL MEETINGS OF THE DISTRICT BOARD

(a) A special meeting of the District Board will be convened by the District Secretary, on the District Secretary being requested to do so:

(i) by a majority of the District Executive, or

(ii) in writing from at least 3 District Representatives.

and will be convened within 20 days of the District Secretary receiving the request.

(b) The request for the special meeting of the District Board must set out the business sought to be dealt with at the special meeting.

(c) Only the business set out in the request for the special meeting of the District Board may be dealt with at the special meeting.

(d) The District Secretary will, at least 10 days prior to a special meeting of the District Board, provide to the members of the District Board:

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(i) notice of the special meeting,

(ii) notice of the business to be dealt with at the special meeting; and

(iii) associated papers.

(e) Notice of the special meeting, required to be given in accordance with sub-rule (c), may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS; or

(v) by such other electronic or telegraphic means as may be available.

(f) Special meetings of the District Board are to be conducted as meetings of persons assembled

(g) Special meetings of the District Board will be held at the Principal Office of the District unless the District Board or the District Executive determines otherwise.

(h) The District President will chair special meetings of the District Board, however if the District President is not present within 15 minutes of the commencement of the special meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the special meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the special meeting, or if present is unwilling to act, then the special meeting will nominate one of its members to act as chair of the special meeting with all the powers of the District President.

(i) The quorum for special meetings of the District Board is:

(i) a District Representative from each of at least three District Sections; and

(ii) at least two members of the District Executive.

(j) The members of the District Board have a deliberative vote at special meetings of the District Board.

(k) The chair of the District Board has both a deliberative and a casting vote at special meetings.

(l) The members of the District Board, in attendance at a special meeting of the District Board, are required to cast a vote either for, or against, the proposition in each matter the subject of a ballot of the District Board.

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(m) A member of the District Board not able to attend a special meeting of the District Board, of which notice has been given in accordance with these Part C rules without giving an explanation which is accepted by the majority of the members of the District Board may be fined by the District Board an amount not exceeding $500, or such other sum as the District Convention may determine, or be otherwise disciplined in accordance with these Part C rules.

30. ENDORSEMENT OF DECISIONS OF THE DISTRICT BOARD

(a) The District Secretary will cause minutes to be prepared of the proceedings of the meeting of the District Board, inclusive of special meetings of the District Board.

(b) The minutes of the District Board, prepared pursuant to sub-rule (a), are to be adopted, with or without amendment, by the District Board before a meeting, or special meeting as the case may be, of the District Board concludes.

(c) The minutes, adopted in accordance with sub-rule (b), will be forwarded to the District Lodges.

(d) The minutes adopted in accordance with sub-rule (b) will set out the resolutions requiring endorsement as provided by these Part C rules.

(e) The District Secretary will promptly take all steps necessary to seek endorsement of decisions of the District Convention as required by these Part C rules.

(f) Only those determinations of the District Convention endorsed pursuant to sub-rule (e) become District Policy.

31. DECISIONS OF THE DISTRICT BOARD OTHER THAN IN MEETING ASSEMBLED

(a) Despite rules C28 and C29, where the District President and the District Secretary consider that a matter requires urgent attention then the District Secretary may ballot the members of the District Board in relation to that matter by means of:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS; or

(v) by such other electronic or telegraphic means as may be available.

(b) A ballot conducted pursuant to sub-rule (a) requires each member of the District Board to return their ballot and requires a unanimous result for the matter the subject of the ballot to be affirmed.

(c) Any ballot conducted pursuant to sub-rule (a) where the matter the subject of the ballot has not been affirmed in accordance with sub-rule (b) within 10 days of the date on which the District Secretary first ballots the members of the District Board, is determined to be lost.

(d) The District Secretary will provide a report to the members of the District Board in relation to any ballots conducted in accordance with sub-rule (a), setting out the following:

(i) the date of the ballot;

(ii) who participated in the ballot and how their vote was cast; and

(iii) the result of the ballot.

(e) The District Secretary will, in relation to a matter the subject of a ballot affirmed in accordance with sub-rule (b), promptly take all steps necessary to seek endorsement of the decision as required by rule C82.

32. DISTRICT EXECUTIVE

(a) The District Executive is comprised of the:

(i) District President;

(ii) District Executive Vice-President;

(iii) District Vice Presidents; and

(iv) District Secretary

33. POWERS OF THE DISTRICT EXECUTIVE

(a) The District Executive has, between meetings of the District Board, and subject to these District rules and to the review of its decisions by the District Board, the following powers and obligations:

(i) the management of the affairs, funds and property of the District;

(ii) the review of the decisions of the District Administration Committee;

(iii) to do all other things, necessary and appropriate, to achieve the Union's objects including the initiation of, and conduct of:

(A) proceedings;

(B) actions;

(C) industrial disputes; and/or

(D) legal proceedings;

(iv) to appoint

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(A) agents;

(B) solicitors or counsel;

to appear for, represent and advise the District, or any of its Members, as the case may be.

(v) to engage:

(A) employees;

(B) contractors; and/or

(C) agents,

necessary for managing, advising and carrying out the business of the District,

(vi) to enter into contracts for:

(A) products, and/or

(B) services;

(vii) to administer the District Fund;

(viii) to appoint, and determine, District Advisory Committees;

(ix) to submit matters that are determined to be of sufficient importance to the District Board for decision;

(x) to submit matters that are determined to be of sufficient importance to the Members for decision by ballot in accordance with the procedure provided by rule C59;

(xi) to make, subject to sub-rule (c), industrial agreements;

(xii) to exercise powers conferred by the:

(A) District Convention;

(B) District Board;

(C) District rules; and

(xiii) to do all other things, necessary and appropriate, to achieve the Union's objects.

(b) Any determination of the District Executive is effective unless, and until, reviewed and altered in accordance with these Part C rules, and if the determination is altered it will have effect subject to the extent to which it is altered.

(c)

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(i) Any industrial agreement proposed to be entered into in accordance with sub-rule (a), will be just forwarded to the relevant District Lodges.

(ii) An industrial agreement proposed to be adopted in accordance with sub-rule (i) will set out the resolutions requiring endorsement as provided by these Part C rules.

(iii) The District Secretary will promptly take all steps necessary to seek approval for the making of the proposed industrial agreement.

(iv) Only those proposed industrial agreements endorsed pursuant to this sub-rule will be progressed by the District Secretary

34 MEETINGS OF THE DISTRICT EXECUTIVE

(a) The District President or the District Secretary may at any time convene, in accordance with this rule, a meeting of the District Executive.

(b) The District President or the District Secretary will give members of the District Executive notice of the District Executive meetings by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS;

(v) such other electronic or telegraphic means as may be available; or

(vi) orally.

(c) Meetings of the District Executive will be held, unless the District Executive determines otherwise, at the Principal Office

(d) Any member of the District Executive unable to attend a meeting of the District Executive in person may vote on matters before the District Executive by:

(i) letter;

(ii) facsimile; or

(iii) email

(e) Where a member of the District Executive votes in the manner provided by sub-rule (d), then the determination of the meeting will be the same as if it was a meeting of persons assembled.

(f) The District President will chair meetings of the District Executive, however if the District President is not present within 15 minutes of the

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commencement of the meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District President.

(g) The quorum for the District Executive is 3 members of the District Executive.

(h) The members of the District Executive have a deliberative vote at meetings of the District Executive.

(i) The District President is entitled to exercise a deliberative vote but is not entitled to exercise a casting vote.

35. DISTRICT ADMINISTRATION COMMITTEE

(a) There will be a District Administration Committee comprised of the:

(i) District President;

(ii) District Executive Vice-President; and

(iii) District Secretary.

36. POWERS OF THE DISTRICT ADMINISTRATION COMMITTEE

(a) The District Administration Committee has, subject to the review of its decisions by the:

(i) District Board; and/or

(ii) District Executive,

the following powers and obligations, to:

(A) require possession and take possession of, the financial records of the District;

(B) require and/or conduct an audit of the Financial Statements or other records of the District;

(C) authorise necessary expenditure from the District Fund for the management of the District;

(D) require from members of the District the payment, and to recover the payment of fees, subscriptions, levies and fines;

(E) determine any application for membership referred to it;

(F) submit matters that are determined to be of sufficient importance to the members of the District for decision by

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ballot in accordance with the procedure provided by rule C53;

(G) exercise such other powers as may be conferred upon them by the:

(1) District Convention;

(2) District Board; and/or

(3) by any rule of the District.

(b) Any determination of the District Administration Committee is effective unless, and until, reviewed and altered in accordance with these Part C rules, and if the determination is altered it will have effect subject to the extent to which it is altered.

37. MEETINGS OF THE DISTRICT ADMINISTRATION COMMITTEE

(a) The District Administration Committee will meet at such times as the District Administration Committee determines.

(b) Any member of the District Administration Committee may request that the District Secretary call a meeting of the District Administration Committee, and the District Secretary will upon receiving a request promptly call a meeting of the District Administration Committee to be held as soon as is practicable.

(c) The District Secretary will give members of the District Administration Committee such notice of meetings of the District Administration Committee as can be practicably provided.

(d) Notice of the meeting may be given by any means as may be available, including orally

(e) Meetings of the District Administration Committee will be held at such places as the District Administration Committee determines.

(f) Meetings of the District Administration Committee may be conducted by:

(A) person assembled;

(B) telephone;

(C) radio;

(D) video;

(E) skype, and/or

(F) any other method by which members of the District Administration Committee are able to communicate with each other without being physically present.

(g) The District President will chair meetings of the District Administration Committee, however if the District President is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President.

(h) The quorum for the District Administration Committee is all of the members of the District Administration Committee.

(i) The members of the District Administration Committee only have a deliberative vote at meetings of the District Administration Committee.

36. MEETINGS OF THE DISTRICT

(a) For the purposes of this rule a meeting of the Members of the District is a "Meeting".

(b) The District Secretary will call a Meeting when requested to do so by the District Lodges, whose aggregated membership is not less than twenty-five per cent of the Members of the District.

(c) A request made in accordance with sub-rule (b) must be in the form of a written requisition setting out the business proposed to be dealt with at the Meeting.

(d) The Meeting must be held within 15 days of the receipt by the District Secretary of the requisition referred to, respectively, in sub-rule (b)

(e) The Meeting may be held:

(i) as a series of meetings where the result of the ballot of any matter is aggregated across the meetings; or

(ii) by means of:

(A) telephone;

(B) radio;

(C) video;

(D) skype; and/or

(E) any other method by which Members are able to communicate with each other without being physically present.

(f) The Members are to be promptly notified of the

(i) date;

(ii) time;

(iii) location (or locations); and

(iv) business.

of the Meeting and be given as much notice of the meeting as is practicable.

(g) Notice of the Meeting may be given by:

(i) post;

(ii) facsimile;

(iii) e-mail;

(iv) SMS;

(v) publication in a newspaper circulated in the State;

(vi) publication on the District Website;

(vii) publication in the District Journal; or

(viii) by such other electronic or telegraphic means as may be available.

(h) The business to be conducted at the Meeting is limited to the business set out in the requisition requesting the Meeting.

(i) The District President will chair the Meeting, however if the District President is not present within 15 minutes of the commencement of the Meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the Meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the Meeting, or if present is unwilling to act, then the Meeting will nominate one of its members to act as chair of the Meeting with all the powers of the District President.

(j) Quorum for a Meeting is total attendance by Members of at least 25% of the District Lodges.

(k) A determination of a Meeting is not binding on the District and does not have the effect of amending District Policy.

(l) The District Secretary will provide a report to the District of the proceedings of the Meeting, the matters balloted (if any) and the result of any ballots.

39. DISTRICT PRESIDENT

(a) The District President will:

(i) chair all meetings of the:

(A) District Convention;

(B) District Board;

(C) District Executive;

(D) District Administration Committee; and

(E) meetings of the District;

(d) act in conjunction with the

(A) District Executive Vice-President;

(B) District Vice-Presidents; and

(C) District Secretary,

in transacting the general business the District;

(ii) assist the District Secretary in preparation of Financial Statements;

(iv) in the absence of the District Secretary, attend to the correspondence of the District to be attended to,

(v) in conjunction with the District Secretary arrange, when it is necessary to do so, for the attendance of either the District President or the District Secretary at important meetings of the District Lodges;

(vi) act as the principal advocate for the District;

(vii) take steps as are necessary to ensure that the Lodges carry out these District rules, and the Union's rules;

(viii) with the concurrence of the District Secretary, call in all cases of emergency, a special District Board meeting; and

(ix) in conjunction with the:

(A) District Executive Vice-President.

(1) attend to the correspondence of the District;

(2) watch the interests of the District; and

(3) advance the members interests.

40. DISTRICT EXECUTIVE VICE-PRESIDENT

(a) The District Executive Vice-President will.

(i) act in conjunction with the:

(A) District President, and

(B) District Secretary,

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in transacting the general business of the District.

(ii) in conjunction with the:

(A) District President:

(1) attend to the correspondence of the District;

(2) watch the interests of the District; and

(3) advance the members interests.

(b) in the absence of the District President, perform the duties of the District President.

(c) When requested by the District President, act for the District President.

41 DISTRICT VICE-PRESIDENT

(a) A District Vice-President will:

(i) act in conjunction with the:

(A) District President;

(B) District Executive Vice-President;

(C) other District Vice Presidents; and

(D) District Secretary,

in transacting the general business of the District.

(ii) In the absence of the District President and the District Executive Vice-President, perform the duties of the District President.

(b) When requested by the District President, act for the District President.

42. DISTRICT SECRETARY

(a) The District Secretary will:

(i) act in conjunction with the:

(A) District President;

(B) District Executive Vice-President; and

(C) District Vice-Presidents,

in transacting the general business of the District and

(ii) keep separate accounts of all

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(A) monies received;

(B) monies paid;

(C) expenses;

(D) entrance fees paid;

(E) subscriptions paid;

(F) levies paid, and

(G) fines paid;

(iii) with the assistance of the:

(A) District President; and

(B) District Executive Vice-President;

prepare the annual audited financial statements for the approval of the District Board at it's annual general meeting.

(iv) promptly forward a copy of the annual audited financial statements, when approved by the District Board, to each District Lodge;

(v) attend, and cause minutes to be taken of:

(A) District Convention meetings;

(B) District Board meetings;

(C) District Executive meetings;

(D) District Administration Committee; and

(E) meetings of the District;

(vi) in conjunction with the District President arrange, when it is necessary to do so, for the attendance of either the District President or the District Secretary at important meetings of the District Lodges;

(vii) in conjunction with the:

(A) District President; and/or

(B) District Executive Vice-President:

(1) attend to the correspondence of the District;

(2) watch the interests of the District, and

(3) advance the members interests; and

(vii) with the concurrence of the District President, call in all cases of emergency, a special District Board meeting.

43. DISTRICT REPRESENTATIVES

(a) District Representatives will be elected, in accordance with these District Rules, to represent each of the following District Sections:

(i) District Section One - Collinsville, Newlands Open Cut, Newlands Underground, North Goonyella, Burton Downs South, Walker Creek, Coppabella, Eaglefield, Millennium, Moorvale, Setaria Leighton;

(ii) District Section Two - Goonyella Riverside BMA, Peak Downs and Moranbah North, Boom Logistics, Broadmeadow BMA, Carborough Downs, Kiekhams Goonyella Riverside;

(iii) District Section Three - Burdekin, Foxleigh, Grasstree, Sarazi, Norwich Park, Oaky Creek No 1, Oaky North, Blair Athol, German Creek Open Cut;

(iv) District Section Four - Gregory, Crinum, RUS Mining Centum, Yongala (Ensham) , Callide Valley, Meura;

(v) District Section Five - Blackwater No 1, Curragh, Curragh North, Jellinbah;

(vi) District Section Six - Tarong Coal Mine, New Oakleigh, New Acland, Commodore, Timen Cut, Kogan Creek Coal Mine, Kogan Creek Power Station, Nikkie Creek, West Mineworn;

(vii) District Section Seven - Abbot Point Bulk, Gladstone Port Authority, Gladstone Power Station, Callide Power, Weipa, Hay Point, Queensland Bulk Handling, Orica Queensland, Tarong Power Station, Swanbank Power, Valley Longwall, State Member

(b) The District Board may:

(i) add new District Lodges to District Sections as District Lodges are formed; or

(ii) remove District Lodges from District Sections if District Lodges are dissolved.

(c) When a District Lodge is formed that is not within a District Section provided by sub-rule (a) the District Executive will, in accordance with sub-rule (b), allocate the District Lodge to one of the District Sections provided by sub-rule (a).

(d) The District Secretary will promptly, following the making of a determination pursuant to sub-rule (b) which results in the alteration of the District Lodges comprising a District Section, give notice to the Members of the effect of the alteration

(e) The District Board will, at a meeting held at least 6 months prior to the calling of nominations for the Quadrennial Elections, determine the District Lodges which comprise each of the District Sections.

(f) In determining the District Lodges that comprise each District Section, the District Board will take the following matters into account the:

(i) communality of industrial interest of the Members concerned, and

(ii) geographical location of the Members concerned; and

(iii) employer of the Members concerned.

(g) The District Secretary may, despite any other rule of these Part C rules, give the notice referred to in sub-rule (e), by publishing a list and/or map which depicts the District Sections and the District Lodges that comprise them on the District's Website.

44. DISTRICT COUNCILLORS

(a) The District Councillors are officers of the District who work on a part time engagement for the District.

(b) District Councillors have the following duties, to:

(i) attend meetings of the District Board;

(ii) attend, and address as the case may be, meetings of District Lodges at the direction of the District Board; and

(A) District Council will be responsible to:

(1) the District Board; and

(2) the District Executive

45. QUADRENNIAL ELECTIONS

(a) This rule will operate from 2012.

(b) The District will hold Quadrennial Elections as provided by this rule.

(c) The following officers of the District will be elected every 4 years by, and from, the:

(i) Members, the:

(A) District President;

(B) District Executive Vice-president;

(C) District Vice-presidents;

(D) District Secretary;

(E) District Councillors; and

(F) District Union Inspectors;

(ii) Members attached to the respective District Sections, the:

(A) District Representatives;

(iii) Members attached to the respective District Lodges, the:

(A) District Lodge Delegates.

(d) Officers elected pursuant to sub-rule (c) take office for a term of four years as, and from, the 1st day of the month following the declaration of their election.

(e) The Returning Officer will determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election to an office in accordance with sub-rule (c) having regard to:

(i) the date of the expiration of the term of office of the holder of the office;

(ii) the time required to lodge the nominations; and

(iii) the time required to complete the election

(f) Only Members who have been financial for a continuous period of 12 months prior to the day of the opening of nominations may nominate in the Quadrennial Elections as a candidate for an office.

(g) Members, who are otherwise eligible to nominate for an office in accordance with this rule, may only nominate in the Quadrennial Elections for one office.

(h) A Member who has nominated for an office in accordance with this rule must have their nomination seconded by 2 other Members who have been financial for a continuous period of 12 months prior to the day of the opening of nominations, provided that:

(i) the nomination of a Member for an office of District Representative must be seconded by Members who are attached to the respective District Section to which the nomination relates; and

(ii) the nomination of a Member for an office of District Representative must be seconded by Members who are attached to the respective District Lodge to which the nomination relates.

(i) A Member wishing to nominate for an office must nominate in the form approved by the District Executive and which the District Secretary will cause to be made available at the Principal Office and on the District website.

(j) Sub-rule (i) does not prevent the Manager of the election also making nomination forms available to members wishing to nominate.

(k) A nomination form must be signed by the Member nominating and by the two Members seconding the nomination and provided to the Manager of the election by:

(i) registered post; or

(ii) delivery,

prior to the time determined by the Manager of the election for the closing of nominations.

(l) The Quadrennial Elections will be conducted in accordance with the Election Procedure Rules.

(m) Despite sub-rule (d) officers elected pursuant to this rule will remain in office, unless they die, resign, or are otherwise removed from office, until their successors take office in accordance with these District rules.

(n) An officer if resigning from their office will do so in writing delivered at least one month prior to the intended date of resignation.

48. ELECTION PROCEDURES DEFINITIONS

(a) Definitions in these election procedures are:

(i) "ballot box" means a ballot box kept under rule C60.

(ii) "candidate", for an election, means a person:

(A) who has nominated as a candidate for the office the election is about; and

(B) whose nomination has been accepted under rule C51; and

(C) whose nomination has not been withdrawn.

(iii) "days" has the meaning provided by the Act

(iv) "eligible member" means a person who was a Member 30 days before the starting time for nominations.

(v) "initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

(vi) "Manager of an Election" means:

(A) the electoral officer conducting the election or ballot; or

(B) if an exemption has been given pursuant to the Act the returning officer then appointed pursuant to the Act to conduct the election.

(vi) "member" means a Member of the District.

(vii) "return envelope" see rule C58(a)(ii).

(ix) "roll", for an election, means the roll of voters prepared for the election under rule C55.

(x) "scrutineer" means:

(A) a candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a candidate under rule C56.

(xi) "voter" means a person:

(A) who is an eligible member; and

(B) whose name is on the roll.

(xii) "voting material" see rule C59(a).

47. MANAGER OF ELECTION—FUNCTIONS AND POWERS

(a) The Manager of an election:

(i) must not be a member of, the holder of any office in, or be an employee of, the Union, a Division of the Union or a District Lodge;

(ii) must not influence, or attempt to influence, the outcome of the election;

(iii) must conduct the election under these election procedures except where the District rules expressly provide otherwise;

(iv) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(v) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

(b) The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(i) to ensure no irregularities happen in the election, or

(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

(c) To ensure the integrity of an election, the address for return of ballot papers must not be the District's usual postal address.

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48. CLOSING DAY AND TIME FOR NOMINATIONS

(a) The Manager of the election must fix the opening day and closing day for nominations for office.

(b) The closing day must be at least 28 days after notice is given under rule C50.

(c) Nominations open at midday on the opening day and close at midday on the closing day.

49 STARTING AND FINISHING DAYS OF BALLOT

(a) If a ballot becomes necessary under rule C53, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

(b) The start day must not be before the closing day for nominations for the offices to be filled at the election.

50. CALLING FOR NOMINATIONS

(a) The Manager of the election must call for nominations for the offices to be filled by notice given to:

(i) District Lodges, and

(ii) members in 1 of the following ways:

(A) by post to each member at the address recorded in the member's register;

(B) if the District publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the District Journal or newsletter; or

(C) in a daily newspaper circulating in the area where the District's members live or work.

(b) The notice must state:

(i) the opening day for nominations;

(ii) the closing day for nominations;

(iii) that nominations for office:

(A) open at midday on the opening day; and

(B) close at midday on the closing day;

(iv) who may nominate as a candidate in the election.

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(v) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close;

(vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under rule C53;

(vii) that only a person who was a financial member 30 days before the opening time for nominations may vote in the election; and

(viii) that the ballot will be decided by a first past the post system of voting.

51. NOMINATION PROCEDURE

(a) A nomination for office must be written, signed by the nominee, otherwise comply with these District rules and be given to the Manager of the election before nominations close

(b) A person may not nominate for more than 1 office.

(c) The Manager of the election must accept a nomination if:

(i) it complies with sub-rules (a) and (b);

(ii) the nominee is an eligible member and is otherwise entitled pursuant to these District rules to nominate;

(iii) the nominators are entitled pursuant to these District rules to nominate the nominee; and

(iv) these District rules, in so far as they expressly provide in relation to the nomination process, are complied with.

(d) A candidate may withdraw the candidate's nomination by written notice given to the Manager of the election no later than 5 days after nominations close.

52 WHAT HAPPENS IF A NOMINATION IS DEFECTIVE

(a) The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

(b) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager of the election must:

(i) reject it,

(ii) give the nominee notice of the defect; and

(iii) if practicable, give the nominee an opportunity to remedy the defect.

(c) If practicable, the notice must be given before nominations close.

(d) Failure to give the notice does not invalidate the election.

53. WHEN A BALLOT MUST BE HELD

(a) If there are more candidates for election to an office than the number to be elected, the Manager of the election must conduct a secret postal ballot pursuant to these election procedures.

54 ELECTION WITHOUT BALLOT

(a) The Manager of the election must declare a candidate elected to an office if:

(i) nominations have closed; and

(ii) if the election is for the:

(A) District President;

(B) District Executive Vice-President,

(C) District Secretary—the candidate is the only candidate; or

(D) if the election is for another type of office—the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

55. ROLL—PREPARATION

(a) A roll for a ballot must be prepared at the direction of the Manager of the election.

(b) The Manager of the election must ensure the roll:

(i) states:

(A) the name of each person who is an eligible member of the District in alphabetical order;

(B) each eligible member's address, opposite their name; and

(C) the District Lodge to which they are allocated pursuant to these District rules; and

(ii) is completed when nominations for the election close.

(c) The District Secretary must give the Manager of the election:

(i) a copy of its District Register; and

(ii) access to the District's records reasonably necessary for the Manager of the election to ensure the roll is accurate.

56. ROLL—INSPECTION

(a) The Manager of the election must make the roll for the election available for inspection:

(i) in the period that:

(A) starts on the day after the roll must be completed under rule 035; and

(B) ends 30 days after the result of the election is declared; and

(ii) at the office of the Manager of the election when it is open for business

(b) A candidate, Member or a person authorized by the Manager of the election may inspect the roll, free of charge.

(c) If, during the period stated in sub-rule (a), a candidate or Member asks for a copy of the roll or a stated part of the roll, the Manager of the election must give the person the copy, free of charge.

57. WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

(a) Despite sub-rule (b), if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

(b) If the Manager of the election is satisfied the applicant is an eligible member, the Manager of the election must include the applicant's name on the roll.

(c) An eligible member is only able to vote in such ballots as is permitted pursuant to these District rules.

58. BALLOT PAPERS

(a) A ballot paper for the election must:

(i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager of the election or a person authorised by the Manager of the election;

(ii) be of paper that will hide a vote marked on it from view when it is folded once;

(iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union;

(iv) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names;

(v) state how the voter may vote;

(vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and

(vii) state that the voter must return the ballot paper to the Manager of the election so it is received on or before the finish day of the ballot.

(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

59. DISTRIBUTING VOTING MATERIAL

(a) The Manager of the election must post the following things (the "voting material") to each voter:

(i) a ballot paper initialled by the Manager of the election;

(ii) an unsealed reply paid envelope (a "return envelope") addressed to the Manager of the election;

(iii) a ballot envelope and a voting declaration; and

(iv) other material the Manager of the election considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

(b) Voting material must be posted to each voter:

(i) in a sealed envelope to the voter's address on the roll; and

(ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

(c) The voting declaration must state:

(i) "I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.";

(ii) provide for the voter to fill out the voter's name and other identifying factor i.e. membership number; and

(iii) a place for the voter to sign the declaration.

(d) If a voter gives the Manager of the election a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

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80. MANAGER OF THE ELECTION MUST KEEP A BALLOT BOX

(a) The Manager of the election must get a ballot box and:

(i) keep the box in a safe place; and

(ii) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes; and

(B) prevents voting material from being taken from it until votes for the ballot are to be counted.

81. DUPLICATE VOTING MATERIAL

(a) This rule applies if voting material posted to a voter:

(i) has not been received by the voter;

(ii) has been lost or destroyed; or

(iii) if the document is a ballot paper—has been spoilt.

(b) The voter may apply to the Manager of the election for a duplicate of the document.

(c) The application must:

(i) be received by the Manager of the election on or before the finish day of the ballot;

(ii) state the grounds on which it is made;

(iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds;

(iv) state that the voter has not voted at the ballot; and

(v) if the document is a spoilt ballot paper be accompanied by the ballot paper.

(d) If the application complies with sub-rule (c), the Manager of the election must:

(i) if the document is a spoilt ballot paper:

(A) mark 'spoilt' on the paper;

(B) initial the paper beside that marking and keep the paper; and

(C) give a fresh ballot paper to the voter; or

(ii) otherwise—give a duplicate of the document to the voter.

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62. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

63. HOW TO VOTE

(a) A voter may vote only by completing the following steps.

(i) completing a ballot paper by:

(A) writing a number in order of preference in the squares opposite the name of the candidates the voter may vote for under rule C64; and

(B) complying with the instructions on the paper about how to vote;

(ii) putting the ballot paper in a ballot envelope;

(iii) sealing the ballot envelope,

(iv) filling in and signing the voting declaration for the ballot paper;

(v) putting the voting declaration and the ballot envelope in the return envelope,

(vi) sealing the return envelope;

(vii) complying with any direction given under rule C59(c)(iv),

(viii) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

64. HOW MANY VOTES MAY BE CAST

(a) A voter may only cast:

(i) if the election is for the:

(A) District President;

(B) District Executive Vice-President;

(C) District Secretary,

a single vote; or

(D) if the election is for another type of office, the number of votes equalling the number of offices to be filled.

65. HOW MANAGER OF THE ELECTION MUST DEAL WITH VOTING MATERIAL

(a) The Manager of the election must put all voting material returned to the Manager of the election in the ballot box until voting has ended

(b) If, after the finishing day for the election, the Manager of the election receives a return envelope apparently containing a ballot paper for the election, the Manager of the election must

(i) keep the envelope sealed;

(ii) mark the envelope 'Received by the Manager of the election after the finishing day for the ballot'; and

(iii) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

66. SCRUTINEERS—APPOINTMENT

(a) A candidate may

(i) act personally as a scrutineer; or

(ii) appoint another person (an "appointee") as a scrutineer for the candidate.

(b) An appointment must be in writing and signed by the candidate.

(c) A candidate must notify the Manager of the election of the name of the candidate's appointee as soon as possible after the appointee is appointed.

(d) The Manager of the election may refuse to allow an appointee to act as a scrutineer if

(i) the Manager of the election asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

67. SCRUTINEERS' RIGHTS

(a) Subject to rule C68, a scrutineer may be present when:

(i) ballot papers or other voting material for a ballot are prepared and given to voters;

(ii) voting material is received and put in safe custody under rule C65; and

(iii) votes are counted.

68. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule 367 for each official present where the ballot is being conducted.

(b) In sub-rule (a):

(i) "official" means:

(A) if the ballot is being conducted by the electoral commission—an electoral officer, or

(B) if the ballot is not being conducted by the electoral commission:

(1) the Manager of the election, or

(2) any other person appointed by the Manager of the election to exercise the powers of the Manager of the election for the election.

69 INITIAL SCRUTINY OF VOTING MATERIAL

(a) As soon as possible after the ballot finishes, the Manager of the election must:

(i) seal the ballot box in a way that prevents voting material from being put in it; and

(ii) take the ballot box to the place where votes are to be counted.

(b) The Manager of the election must then:

(i) unseal the ballot box;

(ii) take out the return envelopes;

(iii) open each return envelope and take out the ballot envelope and the voting declaration;

(iv) examine the declaration and mark off the voter's name on the roll; and

(v) ensure the declaration is signed.

(c) After complying with sub-rule (b), the Manager of the election must put the ballot envelopes in a container and the declarations into another container if satisfied:

(i) each declaration is signed; and

(ii) the declaration corresponds with the voter's name and/or the identifying factor on the roll.

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(d) However, the Manager of the election must not put a ballot envelope or declaration in the container mentioned in sub-rule (c) if:

(i) the Manager of the election reasonably believes the voter to whom it was sent did not sign the declaration; or

(ii) the person named on the declaration is not the person to whom it was sent.

(e) Sub-rule (d) does not apply if the Manager of the election is satisfied the person who filled in and signed the declaration:

(i) is a voter;

(ii) has not previously voted in the ballot; and

(iii) has a reasonable explanation for using someone else's ballot material.

(f) The Manager of the election must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.

(g) A declaration is valid only if:

(i) it complies with sub-rules (c) and (e); and

(ii) sub-rule (d) does not apply.

(h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager of the election.

(i) If a declaration is accepted as valid by the Manager of the election, the Manager of the election must:

(i) note the acceptance of validity on the declaration; and

(ii) record the correct ballot number on the roll against the name of the voter who signed the declaration.

(j) After separating the ballot envelopes and declarations, the Manager of the election must, in the following order:

(i) seal the container holding declarations;

(ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;

(iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope "informal under rule (8), and

(iv) put all of the ballot papers in the ballot box.

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70. COUNTING VOTES

(a) To count votes the Manager of the election must:

(i) admit the formal votes and reject the informal votes;

(ii) count the formal votes; and

(iii) count the informal votes

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager of the election and the Manager of the election is not satisfied the paper is authentic;

(ii) the ballot paper is marked in a way that allows the voter to be identified;

(iii) the ballot paper is not marked in a way that makes it clear how the voter meant to vote;

(iv) the ballot paper does not comply with a direction given under rule C59(a)(iv); or

(v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

71. SCRUTINEERS' OBJECTIONS

(a) Before votes are counted, a scrutineer may advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot.

(b) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(ii) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(c) If a scrutineer advises the Manager of the election under sub-rules (a) or (b), the Manager of the election must:

(i) decide whether the error has been made; and

(ii) if appropriate—direct action to correct or mitigate the error.

(d) If a scrutineer objects under sub-rule (b)(i), the Manager of the election must:

(i) decide whether the ballot paper is to be admitted or rejected; and

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(d) notes the decision on the ballot paper and initial the note.

72 DIRECTION BY MANAGER OF THE ELECTION TO LEAVE COUNT

(a) The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(i) does not have the right to be present at the count, or

(ii) interrupts the count, other than to exercise a scrutineer's right.

73. HOW RESULT IS DECIDED

(a) The method of deciding the result of a ballot is on a first past the post basis.

(b) The Manager of the election will count the votes cast for each candidate

(c) The Manager of the election will determine the order of candidates with the candidate receiving the greatest number of votes being the first in order and the candidate receiving the least number of votes being the last in order.

(d) The Manager will declare elected candidates for the offices of

(i) District President;

(ii) District Executive Vice-President; or

(iii) District Secretary,

who received the greatest number of votes, in the respective ballots.

(e) The Manager of the election will declare elected candidates for the offices where there are multiple candidates to be elected on the basis of the candidates ranking in the order determined pursuant to sub-rule (c) up to the ranking equalling the number of candidates to be elected.

(f) This rule is subject to rules 674 and 675.

74. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) If the Manager of the election can not decide which candidate is elected to an office because the votes cast for 2 or more candidates are equal, the Manager of the election must decide which candidate is elected by drawing lots.

(b) A decision under sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

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75. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The District Secretary may request that the Union Secretary take such steps as may be required in accordance with the Part A rules to make application for an exemption from election ballot.

(b) The District Secretary will take such steps and do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot in accordance with the Part A rules.

(c) In the event of the exemption not being granted, or being only partially granted, the District Secretary will promptly ensure the filing by the Union Secretary of the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to the these Part C rules.

76 CASUAL VACANCIES

(a) Where any officer of the District dies, resigns, or is otherwise removed from office, other than as a consequence of the holding of the Quadrennial Elections, then:

(i) an election to fill the casual vacancy will be held;

(ii) the election to fill a casual vacancy pursuant to part (i) will be conducted in accordance with the Election Procedure Rules;

(iii) a Member elected to fill a casual vacancy pursuant to part (i) will only hold that office for the same period as the officer that they have replaced could have held that office;

(iv) the District Secretary will cause the necessary steps to be taken for the conduct of the election pursuant to the Election Procedure Rules;

(v) provided that where the unexpired term of office arising from the casual vacancy is less than 6 months, the member elected in accordance with this rule will continue to hold office until their successor is elected at the Quadrennial Elections held at the conclusion of the term arising from the casual vacancy or until the member resigns, dies or is otherwise removed in accordance with these rules.

(b) Despite sub-rule (a) where an officer of the District dies, resigns, or is otherwise removed from office, other than as a consequence of the holding of the Quadrennial Elections, and the period of the unexpired term of the casual office is six calendar months or less, a person appointed pursuant to sub-rule (a) part (iv) will continue to hold the office until they are replaced at the Quadrennial Elections.

(c) Any Member appointed pursuant to sub-rule (a) part (iv) in the circumstances provided for by sub-rule (b) has the right to nominate for the office concerned in the Quadrennial Elections.

77. MISCONDUCT OF MEMBERS

(a) Charges by Members

(i) Any Member may charge any other member with:

(A) failing to observe any or all these District rules;

(B) knowingly failing to observe any resolution of the District binding upon them;

(C) working in contravention of an award, order or agreement which binds the District; and/or

(D) giving false or misleading information to:

(1) the District Convention;

(2) the District Board;

(3) the District Executive;

(4) the District Representatives;

(5) the District Lodge Delegates;

(6) an officer of the District;

(7) an employee of the District;

(8) an agent of the District, and/or

(9) any other lawful representative of the District;

on any matter;

(E) obstructing:

(1) the District Convention;

(2) the District Board;

(3) the District Executive;

(4) the District Representatives;

(5) the District Lodge Delegates;

(6) an employee of the District;

(7) an agent of the District; and/or

(8) any other lawful representative of the District,

in any way in the performance of any the functions of the District;

(F) obstructing any officer of the District in the course of the officer's duties;

(G) after having been reasonably requested to assist, failing to assist:

(1) the District Convention,

(2) the District Board;

(3) the District Executive;

(4) the District Representatives;

(5) the District Lodge Delegates;

(6) an employee of the District; r

(7) an agent of the District; and/or

(8) any other lawful representative of the District,

in any way in the performance of any the functions of the District.

(H) after having been reasonably requested to assist, failing to assist an officer of the District in the course of the officer's duties;

(I) wrongfully holding themself out as occupying any office or position in the District, or as being entitled to represent the District in any capacity, provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or capacity;

(J) lending or selling to some other person the badge or other document used to identify a person as a Member; and/or

(K) aiding or encouraging any other member or person to breach these District rules.

(b) Processing of Charges

(i) Any charge will be made in writing to the District Secretary and will be accompanied by the sum of $100.00 which, subject to sub-rule (f), will be refundable.

(ii) The District Secretary may, and will, if directed by the District Board, summon the member charged before the District Board and in the case of the District Secretary being charged the District President will, if directed by the District Board, summon the District Secretary before the District Board.

(iii) The summons will be in writing and will set out the time and place of the hearing, the name of the person laying the charge and the particulars of the charge.

(iv) If the member charged requests it the member will be supplied with any further particulars as may be necessary to sufficiently particularize the matters in relation to which the member is charged.

(v) The member charged will be given notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the District Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the District Board will consider the charge made against the member.

(vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be heard, whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the District Board for their absence then the District Board will adjourn the hearing of the matter to another time and/or place.

(vii) If the member charged attends the member will be informed of the substance and source of any information adverse to them on which the District Board relies.

(viii) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themself and may, if the member wishes, provide written submissions to the District Board.

(c) Power to Hear Charges

(i) The District Board has power to hear and determine charges under this rule.

(d) Finding of the District Board

(i) If the District Board finds the member guilty, it may do one or more of the following.

(A) impose no penalty,

(B) fine the member any sum not exceeding $1,000.00;

(C) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act, provided that whilst suspension from membership will deprive a member of the benefits of membership it will not

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relieve the member of the obligations of membership and such suspension will not exceed 6 months for any offence and provided further that if the specified event has not occurred or the specified act has not been done at the expiration of 6 months from the date of suspension, the suspension will then lapse, or

(B) expel the member from the District.

(e) Grounds for Removal from Office

(i) Provided that the provisions of this rule do not provide for, or enable, the dismissal from office of a person elected as a District Officer unless the officer has been found guilty, pursuant to rule C78

(f) Frivolous Charges

(i) If upon investigation the charge is found to be frivolous the $100.00 will be forfeited to the District.

(ii) If upon investigation the charge is found to be made out the $100.00 will be refunded.

(g) Payment of Fines

(i) Where a member is fined in accordance with this rule, the member is required to pay the fine within 10 days of having been notified, in writing, of the imposition of the fine.

(h) Appeals Against Decision

(i) An appeal will lie at the instance of the member charged from any decision under this rule to the District Board.

78. APPEALS TO DISTRICT CONVENTION

(a) An appeal will lie at the instance of the member charged from any decision under this rule from the Board of Management to the District Convention

(b) Notice of appeal must be given in writing within 10 days of the decision being communicated to the member charged and must set out all the matters that the member seeks to be considered by way of appeal.

(c) The notice of appeal will be given to the District Secretary, or in the case of an appeal by the District Secretary, to the District President.

(d) The appeal will be dealt with at a meeting of the District Convention to be held within 60 days.

(e) The member appealing will be given notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the District Register, the member will be given their return

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fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the District Convention will consider the charge made against the member.

(f) At the appointed time and place, or any time and place to which the meeting is adjourned or postponed and of which the member appealing is notified, the appeal may be heard whether or not the person appealing is present, provided that if the member appealing provides an explanation satisfactory to the District Convention for their absence then the District Convention may adjourn the hearing of the matter to another time and/or place.

(g) At any appeal, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to make submissions and may, if the member wishes, provide written submissions to the District Convention.

(h) A member may, at the hearing of charges, be represented by a Member, but by no other person.

79. REMOVAL OF DISTRICT OFFICERS

(a) A District Officer may be removed from office where:

(i) that officer has been found guilty under the District rules, of:

(A) misappropriation of funds of the District;

(B) a substantial breach of the rules of the District; or

(C) gross misbehaviour or gross neglect of duty;

(ii) or where that officer has ceased, under the District rules to be eligible to hold that office.

(b) Any Member may charge a District Officer with any of the offences referred to in sub-rule (a)(i), (ii) and/or (iii).

(c) The Member making a charge will provide the officer charged and the District Secretary with particulars in writing of the offences alleged

(d) The charge will be heard and determined by the District Board.

(e) When dealing with any such charge or allegation the District Board will take all reasonable care to ensure that it is carefully, and fully, dealt with and, in particular, that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge or allegation.

(f) The District Board may determine that any such charge or allegation is to be dealt with by written submissions including such documents as it may require.

(g) The decision as to whether the officer is guilty or not as charged or has ceased, under these District rules, to be eligible to hold the office

concerned will be made by resolution passed by a majority of the members of the District Board at the meeting called to deal with the matter.

(h) The District Board, where it finds an officer guilty of a charge made in accordance with this rule, as an alternative to removal from office, may:

(i) determine to censure the officer concerned;

(ii) suspend that officer from that office for a period not exceeding 90 days; and/or

(iii) impose any of the penalties provided for in rule C77(a) other than expulsion.

(i) The District Secretary will inform the officer charged of the charges and the particulars of the charges, and its particulars where it is alleged that the officer has ceased to be eligible to hold office, by notice in writing by registered post in sufficient time to enable the officer to be in a position to properly defend, or respond to, the charge.

(j) In the event that a charge is made by or against the District Secretary, the District President will act in the District Secretary's place for the purposes of this rule

(k) The provisions of rule C77 apply to the hearing of any charge or allegation made under this rule.

80. NOTIFICATION OF INDUSTRIAL DISPUTES AND OTHER LEGAL PROCEEDINGS

(a) All applications, notifications or references to the Queensland Industrial Relations Commission, the Courts or other appropriate tribunal will be lodged by the:

(i) District President;

(ii) District Secretary; or

(iii) District Executive Vice President.

81. EXECUTION OF DOCUMENTS / NOTIFICATION OF DISPUTE

(a) Industrial agreements and other documents may be executed by, or on behalf of, the District by the District Secretary/Treasurer or the District President or the District Executive Vice President.

(b) In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the District for its part to genuinely attempt a settlement of the Industrial Dispute, then the District Secretary will forthwith give notification of the Industrial Dispute in the manner required by the Act.

92. ENDORSEMENT OF DECISIONS BY DISTRICT LODGES

(a) The District Secretary/Treasurer will promptly following a meeting, or special meeting, of the District Convention or the District Board, as the case may be, forward to each District Lodge the confirmed resolutions of the meeting (for the purposes of this rule the "Confirmed Resolutions")

(b) A decision of the District Board made pursuant to rule C31 where the subject matter of a ballot has been affirmed, is, for the purposes of sub-rule (a) a Confirmed Resolution.

(c) The District Lodge Secretary/Treasurer must within 15 days, or such other time as the District Board may direct, of the date on which the District Lodge received the Confirmed Resolutions, place the Confirmed Resolutions on the agenda for a meeting of the Members attached to the District Lodge to approve or disapprove, as the case may be, by ballot.

(d) The District Lodge Secretary/Treasurer must provide a report of the ballot, required by sub-rule (c), to the District Secretary/Treasurer within 20 days, or such other time as the District Board may direct, of the date on which the District Secretary/Treasurer forwarded the Confirmed Resolutions

(e) The District Lodge Secretary/Treasurer will ensure that the report, to be provided pursuant to sub-rule (d), includes the following:

(i) the date of the meeting of the District Lodge that considers the Confirmed Resolutions;

(ii) the number of District Lodge Members voting in the ballot;

(iii) the number of votes for each Confirmed Resolution; and

(iv) the number of votes against each Confirmed Resolution.

(f) Any District Lodge failing to comply with sub-rule (d) will be excluded from having its members counted in determining the aggregated majority for the District pursuant to sub-rule (g)

(g) A Confirmed Resolution becomes District Policy when an aggregated majority of the members of the District attending, and voting, pursuant to sub-rule (d) approve the Confirmed Resolution.

(h) The District Board may, once it is appraised of the circumstances relating to non-compliance, determine to impose a penalty of not more than $1000, or such other amount as the District Convention may determine, on District Lodges not complying with sub-rules (c), (d) or (e).

93. DISTRICT LODGES - FORMATION OF DISTRICT LODGES

(a) The District Executive will take whatever steps are necessary to establish District Lodges at all relevant workplaces and/or all members in Queensland

(b) In determining to establish a District Lodge the District Executive will consider, without limitation, the following criteria

(i) locality;

(ii) employer;

(iii) contractor;

(iv) mine site;

(v) the number of Members at the workplace;

(vi) the community of interest of the Members concerned;

(vii) the industrial conditions applying to the Members concerned;

(viii) to which District Section a new District Lodge would be attached; and/or

(ix) any other matter relevant to the organisation of the District.

(c) Where there is no lodge at a workplace or a new workplace has been commenced and the District Executive is of the opinion that a lodge should be formed, the District Executive will take appropriate steps to form a District Lodge, which will include notifying the Members at that workplace:

(i) of the date and location of the inaugural meeting;

(ii) that a District Lodge Executive will be elected at the inaugural meeting;

(iii) that the inaugural meeting will elect representatives as required by these District rules;

(iv) that the inaugural meeting will be chaired by a member of the

(A) District Board; or

(B) District Executive;

(v) that the inaugural meeting will be constituted according to the Standing Orders for District Lodge meetings.

(d) Where there is no District Lodge at a workplace Members will be attached to the Principal Office.

84. DISTRICT LODGES - MANAGEMENT OF DISTRICT LODGES

(a) Each District Lodge will be managed by a District Lodge Committee consisting of:

(i) District Lodge Chairman;

(ii) District Lodge Secretary/Treasurer; and

(iii) four District Lodge Committee Members.

(b) The District Lodge President will preside at all meetings of the District Lodge, however if the District Lodge President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District Lodge President.

(c) One half the members of the District Lodge Committee form a quorum of the District Lodge Committee.

(d) The members of the District Lodge Committee have a deliberative vote.

(e) The District Lodge President has both a deliberative and a casting vote.

(f) All District Lodge meetings will be conducted according to the Standing Orders of the District.

(g) Each lodge will have power to make by-laws for its own guidance and control of its members.

(h) Any District Lodge by-laws made pursuant to sub-rule (g):

(i) must be consistent with these District rules; and

(ii) will not become operative until approved by the District Executive.

35 DISTRICT LODGES - POWERS AND DUTIES OF DISTRICT LODGE PRESIDENT

(a) The District Lodge President will:

(i) preside, subject to these District rules at all meetings of the District Lodge;

(ii) in conjunction with the District Lodge Secretary/Treasurer do all things practicable to ensure that the District rules and the District Lodge By-laws are performed;

(iii) act as advocate for the District Lodge;

(iv) act as spokesman for the District Lodge; and

(v) generally act in the interests of the District Lodge Membership.

36 DISTRICT LODGES - POWERS AND DUTIES OF DISTRICT LODGE SECRETARY/TREASURER

(a) The District Lodge Secretary/Treasurer will:

(i) in conjunction with the District Lodge President do all things practicable to ensure that the District rules and the District Lodge By-laws are performed;

(ii) be responsible for keeping:

(A) the Financial Statements of the District Lodge;

(B) the minutes, and the minute book, of meetings of the District Lodge;

(C) a register of agreements made with the employer at the workplace;

(D) a record of any District Lodge Levies or other moneys paid by Members to the District Lodge;

(iii) be responsible for receiving and paying all monies received or paid by the District Lodge;

(iv) in conjunction with the District Lodge Secretary/Treasurer, keep accurate records of all payments and receipts and provide Financial Statements, in so far as the District Lodge is concerned, to the District Secretary/Treasurer as the District Secretary/Treasurer requests;

(v) promptly pay to the District Secretary/Treasurer any money required to be paid pursuant to these District rules; and

(vi) produce for inspection Financial Statements, in so far as the District Lodge is concerned, when called upon to do so by the District Lodge Committee or the District Secretary/Treasurer.

67. DISTRICT LODGES - POWERS AND DUTIES OF DISTRICT LODGE COMMITTEES

(a) The District Lodge Committee will do all things practicable and necessary to protect the health and welfare of their fellow Members.

(b) The District Lodge Committee has the power to strike a District Lodge Levy which can be utilised to pay for expenses properly incurred by the District Lodge in conducting District Lodge business.

(c) A District Lodge Levy will not be collected unless approved by a majority of Members of the District Lodge attending and voting at a meeting of the District Lodge.

(d) The District Lodge Committee may, if approved by a majority of Members of the District Lodge attending and voting at a meeting of the District Lodge to do so, fine any member whose conduct has been, or is, inconsistent with these District rules, the District Lodge By-laws or the decisions of the District Lodge, an amount not exceeding $50.00.

(e) A member fined pursuant to sub-rule (d) has a right of appeal to the District Board.

(f) A notice of appeal must be lodged, within 20 days of the determination of the District Lodge, with the District Lodge Secretary/Treasurer who is then to promptly forward it to the District Secretary/Treasurer and where a fine has been imposed, the amount of the fine is to be forwarded with the notice of appeal.

88. DISTRICT LODGES – FINANCIAL

(a) District Lodge levies will be collected fortnightly by a District Lodge which has imposed a District Lodge Levy in accordance with these District rules, unless provision is otherwise made by agreement between the District Executive and the District Lodge Committee.

(b) All property of the District Lodge will be held in the District, and on behalf of the District Lodge.

(c) All monies of the District Lodge will be held in an account in the name of the District on behalf of the District Lodge.

(d) The District Lodge Secretary/Treasurer will, when requested by the District Secretary/Treasurer, submit an annual return to the District Secretary/Treasurer showing the income and expenditure of his District Lodge.

(e) A District Lodge will make its Financial Statements, in so far as the District Lodge is concerned, available for audit by the District's auditor when it is requested to do so by the District Secretary/Treasurer.

89. DISTRICT LODGES (INDUSTRIAL ACTION

(a) No District Lodge will take industrial action unless a majority of the Members of the District Lodge, attending the voting at a meeting called to consider the question, vote in favour of taking industrial action.

(b) No District Lodge will engage in industrial action before the District Lodge's grievance has been considered by the District Executive.

(c) Prior to industrial action being engaged in the District Executive will attempt to resolve the matters in dispute by conciliatory means.

(d) The conduct of negotiations in any dispute will be under the direction of the District Executive.

90. DISTRICT LODGE - CLOSURE OF A DISTRICT LODGE

(a) When a District Lodge has less than 5 Members the District Lodge will be dissolved and the Members will be attached to the Principal Office

(b) If a District is dissolved pursuant to sub-rule (a):

(i) the property of the District Lodge will be held by the District in the District Fund on behalf of the Members of the District;

(ii) monies held in any account on behalf of the District Lodge concerned will, once all liabilities of the District Lodge have been extinguished, be deposited in the Legal and Assistance fund.

81. DISTRICT LODGES - DISTRICT LODGE MANAGEMENT

(a) For the purposes of this rule:

(i) "District Lodge" means the District Lodge under investigation or which has been investigated pursuant to this part;

(ii) "Investigation" means the investigation conducted in accordance with (b) of this part;

(iii) "Investigation Committee" means the committee appointed in accordance with (b) of this part;

(iv) "Investigation Report" means the report provided pursuant to (d)(iv) of this part; and

(v) "Worksite" means the worksite in relation to the District Lodge

(b) The District Board may, in the following circumstances:

(i) a failure by a District Lodge Committee to comply with the District rules;

(ii) a failure by a District Lodge Committee to comply with decisions of the District Convention, the District Board or the District Executive,

(iii) a failure by a District Lodge Committee to comply with an ordered vote of the District Lodge Members,

(iv) a failure by a District Lodge Committee, or any officers of a District Lodge Committee, to properly administer the affairs of a District Lodge;

(v) a District Lodge ceasing to effectively function; and/or

(vi) any other circumstances that jeopardise the industrial, or other interests, of the members of a District Lodge,

appoint an Investigation Committee to investigate the circumstances existing at the District Lodge.

(c) The Investigation Committee will comprise:

(i) one full-time official of the District;

(ii) a District Councillor; and

(iii) one member of the District Board, not being a District Representative for the District Lodge concerned.

(d) The investigation will be conducted as follows:

(i) the District Board will set the:

(A) terms of reference for the investigation; and

(B) time frame in which the investigation is to be conducted;

(ii) the District Secretary/Treasurer will notify, in writing, the District Lodge Committee and Members of the District Lodge, of:

(A) the investigation

(B) the investigation Committee appointed to conduct the investigation;

(C) the terms of reference of the investigation; and

(D) the time frame in which the investigation will be conducted;

(iii) the investigation Committee must ensure that members of the District Lodge Committee and the Members of the District Lodge are given opportunity to provide oral, or written, statements to the investigation Committee in relation to any matters they consider relevant to the investigation.

(e) The investigation Committee will deliver a report in writing on the investigation to the District Secretary/Treasurer detailing:

(i) the terms of reference of the investigation;

(ii) the names of the persons who provided statements;

(iii) copies of any statements provided;

(iv) the investigation Committee's findings; and

(v) such other matters as the investigation Committee consider appropriate.

(f) No more than 1 month must elapse between the appointment of the investigation Committee and the delivery of the investigation Report to the District Secretary/Treasurer.

(g) The District Secretary/Treasurer must, within 3 days of receiving the investigation Report, give notice of not less than 5 days, and not more than 10 days, of a special meeting of the District Board to consider the investigation Report, to:

(i) the members of the District Board; and

(ii) the Members of the District Lodge.

(h) The District Secretary/Treasurer must at the time of providing the notice of the special meeting in accordance with sub-rule (g):

(i) provide to:

(A) the members of the District Board ; and

(B) the members of the District Lodge Committee,

a copy of the Investigation Report; and advise the Members of the District Lodge that they may request a copy of the Investigation Report from the District Secretary/Treasurer or members of the District Lodge Committee.

(i) The District Board will, at the special meeting held in accordance with sub-rule (g):

(i) provide opportunity for members of the District Lodge Committee and Members of the District Lodge to respond, in person, to the Investigation Report;

(ii) consider the Investigation Report; and

(iii) determine if further information is required from members of the District Lodge Committee, Members of the District Lodge or any other person.

(j) Following its consideration of the Investigation Report, all responses and any further information that was requested, the District Board may determine:

(i) to take no further action;

(ii) to direct the District Lodge Committee to take such steps as are necessary and reasonable to rectify any matters of concern raised in the Investigation Report;

(iii) if it considers that the operation of the District Lodge does not further the objects of the Union and/or is placing the industrial or other interests of the Members attached to the District Lodge at serious risk, appoint an Administrator for a specified period being not more than 6 months;

(iv) to charge a member or members of the District Lodge Committee with:

(A) misappropriation of the funds of the District;

(B) a substantial breach of the rules of the District;

(C) gross misbehaviour; or

(D) gross neglect of duty.

(k) Where a member of the District Lodge Committee has been charged pursuant to sub-rule (j)(iv), then:

(i) a special meeting of the District Board will be convened by the District Secretary/Treasurer to hear and determine the charges within a period not less than 10 days and not more than 20 days, following the charges being laid;

(ii) the District Board, must at the meeting at which it determines to charge the member or members appoint one of its members to,

(A) act on behalf of the District Board in prosecuting the charges;

(B) tender statements in support of the charges; and

(C) call witnesses, relevant to the charges, to attend and be heard;

(iii) the member charged will be provided, within 5 days of the District Board determining to charge, with a copy of the charges together with the particulars of such charges;

(iv) the member charged must be given an opportunity to appear, at the special meeting, before the District Board to respond to the charges;

(v) the member charged is entitled to provide statements in their support and invite witnesses, relevant to the charges, to attend and be heard;

(vi) a member is entitled to be represented, before the District Board, by another member of the District;

(vii) the member of the District Board appointed as prosecutor is entitled to examine any witnesses who appear before the District Board;

(viii) the member charged, or the member's representative, is entitled to examine any witnesses who appear before the District Board;

(ix) the rules of evidence will not apply to the hearing of the charges and the District Board must make its determination according to fairness and good conscience;

(x) the District Board will meet the travel costs of the member charged and any member required to personally attend before the District Board;

(xi) in the event that the member charged elects not to appear before the District Board the matter, the subject of the charges, may be determined by the District Board on the material the District Board has before it and in the absence of the member charged;

(xii) the District Board will consider the evidence before it and will if the member concerned is found guilty of the charges promptly advise the member and remove the member from office on the

District Lodge Committee and notify the Members of the District Lodge;

(xiii) the member of the District Board appointed as the prosecutor will not be entitled to vote in the determination of the District Board, will not be counted for the purposes of quorum and will not be counted for the purposes of establishing the number required to achieve majority; and

(xiv) in the event that the member charged is found guilty and the District Board determines that they should be removed from office, the position on becoming vacant will be filled in accordance with these District rules.

(l) Where the District Board is of the opinion that a District Lodge has failed to comply with a direction under sub-rule (j)(ii), and it it considers it necessary for

(i) the good government of the District Lodge and/or the District and/or the Union;

(ii) to ensure the industrial and other interests of the members attached to the District Lodge are protected and maintained; and/or

(iii) to ensure the democratic control of the District Lodge and/or the District and/or the Union by its members,

the District Board may decide to appoint an administrator to manage and conduct the affairs of the District Lodge for a specified period being not more than 60 days.

(m) A decision to appoint an Administrator to a District Lodge, pursuant to this Part, may only be made where 2/3 of the members of the District Board vote to do so.

(n) The District Board may, by resolution in accordance with (l) of the Part, extend the appointment of an administrator of a lodge, if it considers it appropriate to do so, for further periods provided that no one extension is for a period greater than 60 days.

(o) An Administrator, if appointed pursuant to sub-rule (l):

(i) must be a Member;

(ii) will be responsible for ensuring that the industrial and other interests of the Members employed at the Worksite are, on a day to day basis during the period for which the Administrator is appointed, maintained and protected;

(iii) will, as necessary, be empowered to seek the assistance of the Members employed at the Worksite to ensure compliance with part (ii).

(iv) is empowered to make such decisions and do such things as a District Lodge Committee may, pursuant to the rule, be entitled to do;

(v) may, on behalf of the members employed at the Worksite, expend such moneys as are necessary to ensure their industrial interests are protected and maintained and which are of a recurrent nature;

(vi) if the District Executive directs, hold elections to fill casual vacancies in accordance with the ballot rules of the District, and

(vii) such other powers as the District Executive considers necessary to achieve or further the objects of the Union and ensuring the industrial and other interests of the District Lodge.

(p) The Administrator.

(i) will be engaged and paid by the District;

(ii) will not, so there can be no doubt, as a result of their appointment become, by that reason alone, an officer of the District nor an officer of the District Lodge; and

(iii) will be remunerated and receive such conditions as the District Executive may determine.

92. DISTRICT LODGE - DISTRICT LODGE BUSINESS

(a) The District Lodge Secretary/Treasurer of any District Lodge having business for the consideration of the District, will forward it to the District Secretary.

(b) The District Secretary will place business received pursuant to sub-rule (a) on the agenda of the next meeting, following its receipt, of the:

(i) District Board; or

(ii) District Executive,

whichever is the sooner.

(c) If, pursuant to sub-rule (b), the business is referred to the District Executive, then the District Executive may determine to refer the business to the next meeting of the District Board.

93. DISTRICT LODGE ELECTIONS

(a) The District Lodge Committee will be appointed, by and from the Members of the District Lodge, annually.

(b) Despite sub-rule (a) a District Lodge may determine by a vote of the Members of the District Lodge for appointment terms in excess of 1 year but not greater than 4 years

84. DISTRICT FUND

(a) The District Fund will consist of:

(i) real or personal property, of which the District by:

(A) the Union's rules;

(B) these District rules; or

(C) any established practice not inconsistent with the Union's rules, has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;

(ii) entrance fees, subscriptions, levies or fines received by the District;

(iii) interest, rents, dividends or other income derived from the investment of the District Fund;

(iv) any other moneys paid to the account of the District or to the Union on behalf of the District;

(v) superannuation funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

(vi) long service leave funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

(vii) sick pay funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

(viii) accident pay funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

(ix) funeral funds administered by the District for the benefit of the District's:

(A) Members;

(B) officers; or

(C) employees;

(x) benefit funds administered by the District for the benefit of the District's:

(A) Members;

(B) officers; or

(C) employees;

(xi) any like funds, to the other funds that may be administered by the District pursuant to this rule for the benefit of the District's:

(A) Members;

(B) officers; or

(C) employees;

(xii) properly acquired by expenditure from, or derived from, the assets of the District fund;

(xiii) proceeds of any disposal of parts of the District fund.

(b) All expenditure from the District Fund must occur in accordance with these District rules.

(c) The District Fund will be only used for the:

(i) carrying out of the objects of the union in respect of the Members;

(ii) necessary expenses of management of the District; and

(iii) capitation as determined pursuant to the Part A Rules.

(d) All expenditure for ordinary purposes, including the following purposes, may be disbursed:

(i) the ordinary expenses of management;

(ii) recurrent expenditure,

(iii) budgeted expenditure; and/or

(iv) expenditure by direction of the:

(A) District Convention;

(B) District Board;

(C) District Executive; and/or

(D) District Administration Committee.

(e) Expenditure to be incurred on behalf of the District may be authorised by the District Executive to, provided that the District Board or District Executive may:

(i) set a limit on the expenditure;

(ii) place conditions on the expenditure; and/or

(iii) withdraw such authorisation at any time, or for any period, it sees fit.

(f) All expenditure incurred pursuant to sub-rule (e) will be placed before the District Executive for consideration and ratification, and will be reported by the District Executive to the District Board

(g) The District Executive may, in relation to a particular account of the District Fund, determine to maintain an account at a particular level

95. INVESTING THE DISTRICT FUND

(a) The District Executive may determine in relation to the District Fund to:

(i) deposit it on current account in the financial facility that the District Executive determines;

(ii) deposit it or invest it with any:

(A) bank; or

(B) financial institution carrying on business in the Commonwealth or elsewhere;

(iii) mortgage any:

(A) real; or

(B) personal,

property;

(iv) subscribe for, or purchase, shares in any Company registered in the Commonwealth or elsewhere.

(b) The name of any account in any financial facility, in relation to which any monies comprising the District Fund are deposited, must include the words:

(i) *"The Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland, Mining, Energy and Ports Division – [insert account name]".*

(c) Monies attributed to the District Fund will be banked by the District Secretary/Treasurer.

(d) Monies will be drawn from the District Fund only by:

(i) cheque signed by; or

(ii) electronic funds transfer authorised by;

either:

(iii) two of the District Executive Officers; or

(iv) by one of the three District Administration Committee Officers and a staff member authorised by the District Board

98 MORTUARY BENEFIT FUND

(a) Whereas in accordance with the Rule A61(ee) the Mortuary Benefit Fund of the Queensland Colliery Employees' Union of Employees on the day immediately prior to the Amalgamation Day will become the Mortuary Benefit Fund of the Mining, Energy and Ports Division (the "Fund") on Amalgamation Day, Monies may be paid from the Fund to eligible nominees nominated by members as provided for in this rule.

(b) The District Executive may from time to time determine that in order to maintain the Fund at an appropriate level to enable payments to be made from the Fund it is necessary to strike a levy and may determine the amount of such levy.

(c) Each member of the Division is entitled to nominate an eligible nominee of that member to whom an amount may be paid from the Fund on the death of that member.

(d) Each member may, by giving notice in writing to the District Secretary, cancel the nomination or change the nomination to another nominee.

(e) "Eligible nominee" of a member means:

(i) any person who is not an officer or employee of the organisation; or

(ii) a spouse of the member; or

(iii) a child, grandchild, grandparent, nephew, niece, parent or sibling of the member.

(f) On the death of a member the District Executive may determine that an amount be paid from the Fund to an eligible nominee of that member.

(g) If the District Executive determines that a payment from the Fund will not benefit the eligible nominee, payment may not be made until they have reported all the circumstances surrounding that determination to the District Board and the District Board has determined whether payment should or should not be paid.

97. LOANS, GRANTS AND DONATIONS

(a) Loans, grants and donations of any amount exceeding $1,000 can not be made by the District to any one person unless the District Board has satisfied itself that:

(i) the making of the loan, grant or donation is in accordance with these District rules, 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 has approved the making of the loan, grant or donation.

98. BOOKS AND RECORDS

(a) The District Secretary/Treasurer will

(i) keep, or cause to be kept, all:

(A) books,

(B) records; and

(C) financial statements,

required to be kept by:

(1) the Act;

(2) these District rules;

(3) the Union's rules;

(4) the District Convention;

(5) the District Board;

(6) the District Executive; and/or

(7) the District Administration Committee.

99. FINANCIAL YEAR

(a) The financial year for the accounting purposes of the District will end at 30 June in each year.

100. DISTRICT AUDITOR AUDIT OF DISTRICT ACCOUNTS

(a) The District Board will appoint, in accordance with the provisions of the Act, a District Auditor who will hold the qualification required for a competent person under the Act.

(b) The District Auditor will:

(i) audit the financial statements of the District at the end of each financial year and at such other times as the District Board, or the District Executive, directs;

(ii) have access to and examine all registers, books, papers, deeds, documents, accounts and Financial Statements of the District;

(iii) have the discretion to examine any District Officer in regard to the registers, books, papers, deeds, documents, accounts and financial statements of the District; and

(iv) obtain from any financial facility, in which the District Fund is deposited and/or invested, a written statement of balances held.

(c) The District Auditor will furnish a written statement that all Financial Statements are certified in accordance with the Act and these District rules, or, if unable to certify to the correctness of any of them, promptly report to the District Board in relation to defects.

(d) The District Auditor will have power to place before the District Board any suggestions concerning the financial affairs of the District.

(e) In the event of a District auditor being unable to act, refusing to act or resigning, the District Board will appoint an auditor, qualified as required by this rule, as a replacement.

101 INSPECTION BY MEMBERS

(a) A Member, or a person with the Member's written authority, may during business hours inspect the:

(i) District Register; and

(ii) District Officers Register.

(b) Members have the right to inspect the Financial Statements as provided by the Act.

102. CLAIMS AND EXPENSES

(a) The District Board will determine the amount that can be claimed by Members for:

(i) travel costs;

(ii) wages, and/or

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(iii) expenses,

in attending meetings/conferences of, or on behalf of, the District.

(b) The District Executive will determine, subject to the approval of the District Board, what:

(i) amount can be claimed; and

(ii) expenses can be paid,

to Members performing work on behalf of the District.

(c) The District Executive will determine the process for making claims pursuant to this rule.

103. AMENDMENT OF RULES

(a) These District rules may be amended by resolution of the:

(i) District Convention; or

(ii) District Board,

subject to these rules.

104. DISSOLUTION OF THE DISTRICT

(a) If the number of Members is [illegible] or less the District will be dissolved.

(b) If the District is dissolved, the Divisional Fund of the District will be vested in the Divisional Fund of the District to which the Members become attached.

105. ADMINISTRATIVE REGULATIONS

(a) The District Executive may create administrative regulations for the administration of the District.

(b) Administrative regulations may be amended by the District Executive and rule C102 does not apply to amendment of the administrative regulations.

(c) Administrative regulations must be consistent with these District rules but are not District Policy.

106. STANDING ORDERS

(a) The standing orders provided by sub-rule (c) will be adhered to as far as practicable at all meetings of the:

(i) District Convention,

(ii) District Board;

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(iii) District Executive;

(iv) District Administration Committee; and

(v) District Lodges.

(b) Despite sub-rule (a) the standing orders for the District Convention are as provided in sub-rule (d)

(c) The standing order for meetings, other than for special meetings, will be:

(i) attendance and apologies;

(ii) business arising out of minutes ;

(iii) business as notified;

(iv) correspondence;

(v) Financial Statements and accounts;

(vi) reports, and

(vii) general business on notice.

(d) The standing orders for the District Convention will be:

(i) attendance and apologies,

(ii) business arising out of minutes; and

(iii) business as notified

(e) The standing order for special meetings will be:

(i) attendance and apologies; and

(ii) business as notified

(f) Any motion to suspend the standing orders requires a 2/3 majority to be passed.

(g) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

(h) No notice of motion entered on the notice paper will be proceeded with unless the person who has given such notice is present when the business is called in its order

(i) No notice of motion will proceed unless it is seconded.

(j) Notices of motion not proceeded with will be struck out.

(k) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

(l) Sitting times for the District Board are:

Day One	8.30am 5.00 pm	12.30 pm	Lunch 1.30pm
Day Two	8.30 am 5.00 pm	12.30 pm	Lunch 1.30pm
Day Three	8.30 am 5.00 pm	12.30 pm	Lunch 1.30pm
Day Four	8.30 am 5.00 pm	12.30 pm	Lunch 1.30pm
Day Five	8.30am 5.00pm	12.30 pm	Lunch 1.30pm

(m) Starting times for the District Board will be strictly adhered to.

(n) Members of the District Board are to be in attendance during sitting times unless they have carriage of a dispute in the Industrial Commission or other District business of an important nature and have requested, and been granted, leave of absence from the District Secretary/Treasurer.

(o) Except in emergency situations phone calls are not to be taken by members of the District Board during sitting times.

(p) Alcohol is not to be consumed during the hours of 8.30am – 5pm when the District Board meets.

(q) District Board members are responsible for drafting their own resolutions.

(r) Colourful language is not acceptable at meetings of the District Board.

(s) All full time officials required to submit reports to the District Board will provide them to the District Secretary/Treasurer at least one week prior to the commencement of the District Board meeting.

(t) An officer of the District and the District Union Inspectors may, whilst any matter is being debated to which they can make a relevant contribution, with the leave of the District Board, attend that part of the proceedings of the District Board.

107. RULES OF DEBATE

(a) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.

(b) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.

(c) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair.

(d) No Member will address the meeting unless, and until, called upon by the chair.

(e) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.

(f) The chair will call to order any speaker who departs from the question or who violates the constitution or rules of debate

(g) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(h) All motions will be determined in the following manner:

(i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;

(ii) the seconder of a motion and all other speakers will be limited to 3 minutes;

(iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;

(iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later;

(v) after the motion has been moved and seconded, no more than 2 members will speak in succession on one side, either for or 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 will at once be put to the meeting, subject to part (j) of this sub-rule

(i) All votes at meetings will be subject to the following:

(i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;

(ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 5 Members;

(iii) the chair will then declare the motion carried or lost.

(j) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

(k) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:

(i) all amendments must be seconded;

(ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;

(iii) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;

(iv) all amendments will be put before the original motion;

(v) the mover of an amendment will not have a right of reply;

(vi) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed, however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (k).

(l) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.

(m) Where an amendment is proposed a member may speak for or against the proposed amendment.

(n) Any member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the member interrupting must not enter into argument.

(o) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration to rise and move "That the question be now put" but no discussion will be allowed and if the motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.

(p) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.

(q) Should any question have occupied the attention of the meeting for 30 minutes, the discussion on such question will be closed and the chair will then call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.

(r) A motion may be dealt with by:

(i) adoption as moved;

(ii) rejection as moved;

(iii) adoption after amendment of the subject matter

(s) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting.

(i) "The Order of the Day", i.e., that the next business in order be now taken;

(ii) postponement of the question, either to a definite time or a time to be fixed;

(iii) reference to a committee

(iv) adjournment

(A) of the debate;

(B) of the meeting.

(t) A motion for adjournment:

(i) may be moved and seconded at any time during the meeting;

(ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;

(iii) provides no right of reply for the mover of the motion;

(iv) will be successful if carried by a majority of members present.

(u) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

(v) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

(w) Any Member may rise to a point of order when the member considers the rules of debate to have been violated provided that the member must submit the "point of order" to the chair, who will decide the question as prescribed in sub-rule (v).

(x) Upon the point of order being raised, the Member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.

(y) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.

(z) On the motion of dissent being seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these District rules, in the absence of the chair.

(aa) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.

(bb) The procedure to determine a motion of dissent will be as follows:

(i) the Member moving the motion of dissent will be given 5 minutes to support the motion;

(ii) the chair will be given 5 minutes to defend their ruling;

(iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

(cc) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded

(dd) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member will have given notice at a previous meeting.

(ee) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting.

(ff) The vote on such proposition when seconded will then be taken without discussion.

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CPMEUQ8" mentioned in the affidavit of Michael Rayner affirmed before me on this day of November 2012.



.....

Justice of the Peace/Commissioner for Declarations/Lawyer

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 819
Industrial Relations Regulation 2011, regulation 62

(Matter No. /2012)

APPLICATION FOR AN AMALGAMATION BALLOT FOR THE PROPOSED AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND, THE FEDERATED ENGINE DRIVERS' AND FIREMENS' ASSOCIATION OF QUEENSLAND, UNION OF EMPLOYEES AND THE QUEENSLAND COLLIERY EMPLOYEES UNION OF EMPLOYEES

AFFIDAVIT OF MICHAEL RAVBAR

TO: The Industrial Registrar, Industrial Registry, Level 13, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

I, Michael Ravbar, State Secretary of the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland of c/- 16 Campbell Street, Bowen Hills in the state of Queensland solemnly and sincerely affirm and declare as follows–

1. I am the State Secretary of the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (the "CFMEUQ").

2. I am a member of the management committee of the CFMEUQ.

3. I consider that *Industrial Relations Regulation 2011* (Qld), regulation 62(3)(h) has been complied with.

4. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

Michael Ravbar

AFFIRMED by the deponent at Brisbane on 29 November 2012 in the presence of:

(Deponent)
Justice of the Peace/Commissioner for Declarations/lawyer

PARTICULARS OF THE APPLICANT

Name:	Michael Ravbar
Title of office:	State Secretary
Organisation:	Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Residential or business address:	16 Campbell Street BOWEN HILLS QLD 4006
Applicant's address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Applicant's phone number or contact phone number:	(07) 3231 4600
Applicant's fax number: *(if any)*	(07) 3231 4699

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name:	John Payne
And firm name:	Hall Payne Lawyers
Lawyer's business address:	Locked Bag 2013 SOUTH BRISBANE QLD 4101
Address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Phone:	07 3017 2500
Fax:	07 3017 2499
E-mail address:	general@hallpayne.com.au

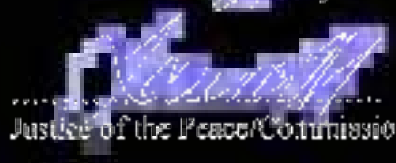
INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CWMEUQ9" mentioned in the affidavit of Michael Ravbar affirmed before me on this 27th day of November 2012.



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Justice of the Peace/Commissioner for Declarations/Lawyer

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 319
Industrial Relations Regulation 2011, regulation 62

(Matter No. /2012)

APPLICATION FOR AN AMALGAMATION BALLOT FOR THE PROPOSED AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND, THE FEDERATED ENGINE DRIVERS' AND FIREMENS' ASSOCIATION OF QUEENSLAND, UNION OF EMPLOYEES AND THE QUEENSLAND COLLIERY EMPLOYERS' UNION OF EMPLOYEES

AFFIDAVIT OF TIM WHYTE

To: *The Industrial Registrar, Industrial Registry, Level 13, Central Plaza 2, 66 Eagle Street (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001*

Phone: (07) 3227 8060 Fax: (07) 3221 0074

I, Tim Whyte, Secretary of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees of c/- Level 2, 61 Bowen Street, Spring Hill in the state of Queensland solemnly and sincerely affirm and declare as follows–

1. I am the Secretary of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ").

2. I am a member of the management committee of the FEDFAQ.

3. I consider that *Industrial Relations Regulation 2011* (Qld), regulation 62(3)(b) has been complied with.

4. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

.....
Tim Whyte

AFFIRMED by the deponent at [illegible] on 26th November 2012 in the presence of:

.....
(Signature)
Justice of the Peace/Commissioner for Declarations/Lawyer

COMMISSIONER FOR DECLARATIONS
Reg No. 15150
JUSTICE & ATTORNEY-GENERAL

PARTICULAR OF THE APPLICANT

Name:	Michael Ravbar
Title of office:	State Secretary
Organisation:	Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Residential or business address:	16 Campbell Street BOWEN HILLS QLD 4006
Applicant's address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Applicant's phone number or contact phone number:	(07) 3231-4600
Applicant's fax number (if any):	(07) 3231-4699

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name and firm name	John Payne Hall Payne Lawyers
Lawyer's business address:	Locked Bag 2013 SOUTH BRISBANE QLD 4101
Address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Phone:	07 3017 2400
Fax:	07 3017 2499
E-mail address	general@hallpayne.com.au

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CDMCUQ10" mentioned in the affidavit of Michael Raybar affirmed before me on this day of November 2012.



.....

Justice of the Peace/Commissioner for Declarations/Lawyer

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 319
Industrial Relations Regulation 2011, regulation 62

Matter No. /2012)

APPLICATION FOR AN AMALGAMATION BALLOT FOR THE PROPOSED AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND, THE FEDERATED ENGINE DRIVERS' AND FIREMENS' ASSOCIATION OF QUEENSLAND, UNION OF EMPLOYEES AND THE QUEENSLAND COLLIERY EMPLOYEES UNION OF EMPLOYEES

AFFIDAVIT OF STEPHEN SMYTH

TO: *The Industrial Registrar, Industrial Registry, Level 13, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001*

Phone: (07) 3227 8060 Fax: (07) 3221 6074

I, Stephen Smyth, State President of the Queensland Colliery Employees Union of Employees of c/- Level 2, 61 Bowen Street, Spring Hill in the state of Queensland solemnly and sincerely affirm and declare as follows-

1. I am the State President of the Queensland Colliery Employees Union of Employees (the "QCEUE").

2. I am a member of the management committee of the QCEUE.

3. I consider that *Industrial Relations Regulation 2011* (Qld), regulation 62(3)(b) has been complied with.

4. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

.....
Stephen Smyth

AFFIRMED by the deponent at Ashley on 21st November 2012 in the presence of-

.....
(Signature)
Justice of the Peace/Commissioner for Declarations/Lawyer

PARTICULAR OF THE APPLICANT

Name:	Michael Bavaar
Title of office:	State Secretary
Organisation:	Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Residential or business address:	16 Campbell Street BOWEN HILLS QLD 4006
Applicant's address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Applicant's phone number or contact phone number:	(07) 3231-4630
Applicant's fax number: *(if any)*	(07) 3231-4699

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name and firm name:	John Payne Hall Payne Lawyers
Lawyer's business address:	Locked Bag 2013 SOUTH BRISBANE QLD 4101
Address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Phone:	07 3017 2400
Fax:	07 3017 2499
E-mail address:	general@hallpayne.com.au

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CTMRUQ11" mentioned in the affidavit of Michael Ravbar affirmed before me on this day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

ELECTION NOTICES

CONSTITUTION AND GENERAL CLIENT SERVICES

CFMEUQ ELECTIONS

NOTICE TO MEMBERS
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

The Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland ("CFMEUQ") will be making an application for exemption from election.

The CFMEUQ is having this application made as the same persons who fill the position in the federal counterpart body, the Construction, Forestry, Mining and Energy Union will fill the positions in the state organisation, the CFMEUQ. The members of the CFMEUQ will not be detrimentally affected as eligible members will have already voted in, or been given the opportunity to vote in, the federal counterpart election. Therefore there will be no election of the CFMEUQ. Members may file a notice of objection with the Queensland State Industrial Registrar within 35 days from the publication of this notice.

Michael Barber
STATE SECRETARY
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

CFMEUQ
Notice to Members

The State Management Committee of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") has resolved:

1. to amalgamate with the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE"); and

2. due to the counterpart federal body of the CFMEUQ having already amalgamated with the counterpart federal body of the FEDFAQ and QCEUE, to make application to the Queensland Industrial Relations Commission for exemption from holding an amalgamation ballot.

In accordance with the provisions of the Industrial Relations Regulations, I am directed by the State Management Committee to give notice to each member:

a) that the State Management Committee of the CFMEUQ made the following resolution:

"The State Management Committee resolves:

1. That the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") amalgamate with the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE").

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the FEDFAQ and the QCEUE be deregistered in the proposed amalgamation.

4. To authorise the Secretary to:

a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

b) meet the legal requirements;

c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ and FEDFAQ and the QCEUE have amalgamated;

d) subject to resolution 5 make application for a community of interest declaration;

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

f) give other notices as may be required by the Act or the rules; and

g) make other applications, either as the CFMEUQ or jointly with the FEDFAQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation.

5. That:

a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be retained as the name of the proposed amalgamated industrial organisation;

b) the CFMEUQ amend its eligibility rule to include the present eligibility rules of the FEDFAQ and the QCEUE;

c) the CFMEUQ amend its registered callings to include the present registered callings of the FEDFAQ and the QCEUE;

d) amendments be made to the rules of the CFMEUQ as are necessary to provide for divisions representing all members of the proposed amalgamated industrial organisation;

ELECTION NOTICES

CFMEU
CONSTRUCTION
AND GENERAL
QUEENSLAND BRANCH

e) amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, delegates, life members and associate members into the proposed amalgamated industrial organisation; and

f) amendments be made to the rules of the CFMEUQ as are necessary to comply with the *Industrial Relations Act 1999* (Qld);

6. That the proposed set of rules of the CFMEUQ which reflect the proposed amalgamation, and which are annexed hereto as Attachment 1, be adopted as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 2, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE.

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 3, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the FEDFAQ and the QCEUE.

9. That if a community of interest is determined to exist between the members of the CFMEUQ and the members of the FEDFAQ and the QCEUE that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' statement annexed hereto as Attachment 4 in support of the proposed amalgamation be adopted.

11. That the State Management Committee of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the FEDFAQ and the QCEUE.

12. That, if as a consequence of applications or rule changes made pursuant to these resolutions that the QIRC refuses to adopt and/or notify such application or rule changes on the ground that the application and/or rule change does not comply with the Act and/or any other law, then the Secretary is authorised to amend the application or rule change, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ and FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation [illegible] amalgamation is effected.

14. That the proposed amalgamated indus[illegible] organisation will recognise, in relation to employees, the service they have with any of the CFMEUQ or the FEDFAQ and the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation.

on 26 March 2012; and

b) that a member of the CFMEUQ may object in accordance with section 75 of the *Industrial Relations Regulation 2011* to the making of the application for exemption from holding an amalgamation ballot on the ground that the exemption would detrimentally affect the member's interests; and

c) a notice of objection must be filed in the Registry within 28 days of the notice of application of the proposed amalgamation of the CFMEUQ, FEDFAQ and the QCEUE being given in a newspaper circulating throughout the State; and

d) the notice of objection must state, in accordance with section 77 of the *Industrial Relations Regulation 2011*:

i) the objector's name and address; and

ii) the grounds of the objection; and

iii) particulars of the grounds; and

e) in filing a notice of objection in the Registry, the member must also serve a copy of the notice on the applicants within 7 days of it being filed.

Michael Kenbar
State Secretary
CFMEUQ

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ12" mentioned in the affidavit of Michael Ravbar affirmed before me on this day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

QCEUC
Dalby to Wilsonton

The State Board of the Queensland Colliery Employers' Union of Employees ("QCEUC") has resolved:

1. to enter into with the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ") and the Federated Engine Drivers' and Firemens' Association of Queensland, Industrial Union of Employees ("FEDFA"), to vote in favour of the Queensland Industry Workplace Determination for employees from lighting or electrician duties

in connection with the provisions of the Industrial Relations Regulations, from electors by the State Board of Management to give notice to each member:

a) that the State Board of Management of the QCEUC made the following resolution:

"The State Board of Management resolves:

1. That the Queensland Colliery Employers' Union of Employees ("QCEUC") and the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFA") and the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ")
2. That the FEDFA be the bona fide and genuine representative of their own members.
3. That the QCEUC be delegated to the power of negotiation.
4. To participate the State President to:
   a) make and observe any exemption to the Queensland Industrial Relations Commission ("QIRC");
   b) meet the legal requirements;
   c) make and observe the exemptions from lighting duties and the QCEUC have consented;
   d) attend to and effect the Union application for a commodity of licence declaration;
   e) provide notice to the members, as soon as possible the result and nature of the Board's application for exemption from the holding of an employment ballot;
   f) give information as may be required by the act or the rules; and
   g) make other applications, either on the QCEUC's own with the FEDFA and the CFMEUQ, as the State President considers necessary and appropriate to attend such matters.
5. That:
   a) the money, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed employer's enterprise agreement,
   b) the eligibility of the proposed employees' work groups include the present eligibility rules of the QCEUC,
   c) the right and callings of the proposed employees' organisation include the present rights and callings of the QCEUC,
   d) the rules of the proposed employers' organisation provide for dismissal, disciplinary, termination of the proposed employment and arbitration provisions,
   e) the right of the proposed employers' organisation or provide for ceasing of meetings, officers, elections, etc. members and branches consistent with the QCEUC rules the proposed employers' organisation; and
   f) the rules of the proposed employers' organisation are to be consistent with the Industrial Relations Act 1999 (Qld) ("the Act").
6. That the rules of the proposed employers' organisation's members' rights to participate in the negotiations, be adopted by the QCEUC as the proper persons to represent the interests of members.
7. That the purposes of the proposed employers' organisation's rules which are to be adopted by the QCEUC as the persons for the proposed employers' organisation with the FEDFA and the CFMEUQ.
8. That the Secretary of the Industrial Relations Regulations, from electors by the State Board of Management to give notice to each member:

a) that the State Board of Management of the QCEUC made the following resolution:

"The State Board of Management resolves:

1. That the Queensland Colliery Employers' Union of Employees ("QCEUC") and the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFA") and the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ")
2. That the QCEUC be delegated to the power of negotiation.
3. That the QCEUC be delegated to the power of negotiation.
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99. That the QCEUC be delegated to the power of negotiation.
100. That the QCEUC be delegated to the power of negotiation.

Stephen Smith
State President, QCEUC

FEDFA
Dalby to Wilsonton

The Management Committee of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees, ("FEDFA") has resolved:

1. to vote in favour with the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ") and the Federated Engine Drivers' and Firemens' Association of Queensland, Industrial Union of Employees ("FEDFA"); and
2. due to the reasons provided to any of the FEDFA having already complied with the consulting Industrial Body of the QCEUC and CFMEUQ, to waive application to the Queensland Industrial Relations Commission for exemption from holding an employment ballot.

In accordance with the provisions of the Industrial Relations Regulations, I am directed by the Management Committee to give notice to each member:

a) that the Management Committee of the FEDFA made the following resolution:

"The Management Committee resolves:

1. That the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFA") to vote in favour with the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ") and the Queensland Colliery Employers' Union of Employees ("QCEUC")
2. That the FEDFA be the bona fide and genuine representative for the purpose of the said negotiation.
3. That the FEDFA and the QCEUC be delegated to the power of negotiation.
4. To participate the necessary to:
   a) make and observe any exemption to the Queensland Industrial Relations Commission ("QIRC");
   b) meet the legal requirements;
   c) make and observe the exemptions from lighting duties and the QCEUC have consented;
   d) attend to and effect the Union application for a commodity of licence declaration;
   e) provide notice to the members, as soon as possible the result and nature of the Board's application for exemption from the holding of an employment ballot;
   f) give information as may be required by the act or the rules; and
   g) make other applications, either on the FEDFA's own with the QCEUC and the CFMEUQ, as the State President considers necessary and appropriate to attend such matters.
5. That:
   a) the money, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed employer's enterprise agreement,
   b) the eligibility of the proposed employees' work groups include the present eligibility rules of the QCEUC,
   c) the rights and callings of the proposed employers' organisation include the present rights and callings of the QCEUC,
   d) the rules of the proposed employers' organisation provide for dismissal, disciplinary, termination of the proposed employment and arbitration provisions,
   e) the right of the proposed employers' organisation or provide for ceasing of meetings, officers, elections, etc. members and branches consistent with the QCEUC rules the proposed employers' organisation; and
   f) the rules of the proposed employers' organisation are to be consistent with the Industrial Relations Act 1999 (Qld) ("the Act").
6. That the rules of the proposed employers' organisation's members' rights to participate in the negotiations, be adopted by the QCEUC as the proper persons to represent the interests of members.
7. That the purposes of the proposed employers' organisation's rules which are to be adopted by the QCEUC as the persons for the proposed employers' organisation with the FEDFA and the CFMEUQ.
8. That the Secretary of the Industrial Relations Regulations, from electors by the State Board of Management to give notice to each member:

a) that the State Board of Management of the QCEUC made the following resolution:

"The State Board of Management resolves:

1. That the Queensland Colliery Employers' Union of Employees ("QCEUC") and the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFA") and the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ")
2. That the QCEUC be delegated to the power of negotiation.
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100. That the QCEUC be delegated to the power of negotiation.

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEU/Q13" mentioned in the affidavit of Michael Ravher affirmed before me on this day of November 2012.



.....

Justice of the Peace/Commissioner for Declarations/Lawyer

ELECTION NOTICE

CFMEU
CONSTRUCTION
AND GENERAL
QUEENSLAND BRANCH

FEDFAQ ELECTIONS

NOTICE TO MEMBERS

Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees

The Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFA") will be making an application for exemption from election.

The FEDFAQ is having this application made as the same persons who fill the positions in the federal counterpart body, the Construction, Forestry, Mining and Energy Union will fill the positions in the state organisation, the FEDFAQ. The members of the FEDFAQ will not be detrimentally affected as eligible members will have already voted in, or been given the opportunity to vote in, the federal counterpart election. Therefore there will be no election of the FEDFAQ. Members may file a notice of objection with the Queensland State Industrial Registrar within 35 days from the publication of this notice.

Tim Whyte — Laurie Gemrich

SECRETARY — PRESIDENT
Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees

FEDFAQ
Notice to Members

The Management Committee of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") has resolved.

1. to amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") and the Queensland Colliery Employees' Union of Employees ("QCEUE"); and

2. due to the counterpart federal body of the FEDFAQ having already amalgamated with the counterpart federal body of the CFMEUQ and QCEUE, to make application to the Queensland Industrial Relations Commission for exemption from holding an amalgamation ballot.

In accordance with the provisions of the Industrial Relations Regulations, I am directed by the Management Committee to give notice to each member.

a) That the Management Committee of the FEDFAQ made the following resolution:

b)

"The Management Committee resolved:

2. That the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ"; and the Queensland Colliery Employees' Union of Employees ("QCEUE").

2. That the CFMEUQ be the host industrial organisation for the purposes of the amalgamation.

3. That the FEDFAQ and the QCEUE be deregistered in the proposed amalgamation

4. To authorise the Secretary to:

a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

b) meet the legal requirements;

c) make applications for exemption from ballot on the basis that the federal counterpart bodies of the CFMEUQ, the FEDFAQ and the QCEUE have amalgamated;

d) subject to resolution 3 make application for a community of interest declaration;

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

f) give other notices as may be required by the Act or the rules; and

g) make other applications, either as the FEDFAQ or jointly with the CFMEUQ and the QCEUE, as the Secretary considers are necessary and appropriate to effect amalgamation.

5. That,

a) the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

b) the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the FEDFAQ;

c) the registered callings of the proposed amalgamated organisation include the present registered callings of the FEDFAQ;

the rules of the proposed amalgamated organisation provide for divisions representing all members of the proposed amalgamated industrial organisation;

e) the rules of the proposed amalgamated organisation provide for transition of members,

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ELECTION NOTICES

officers, delegates, life members and associate members of the FEDFAQ into the proposed amalgamated industrial organisation; and

j) the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act").

5. That the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as Attachment 2, be adopted by the FEDFAQ as the proposed rules of the proposed amalgamated industrial organisation.

7. That the Scheme of Amalgamation, which is annexed hereto as Attachment 3, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

8. That the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 3, be adopted by the FEDFAQ as the scheme for the proposed amalgamation with the CFMEUQ and the QCEUE.

9. That if a community of interest is determined to exist between the members of the FEDFAQ and/or the members of the CFMEUQ and/or the members of the QCEUE that the Secretary make application for a community of interest declaration in relation to the proposed amalgamation.

10. That the 'Yes' Statement annexed hereto as Attachment 4 in support of the proposed amalgamation be adopted by the FEDFAQ as the 'Yes' Statement of the FEDFAQ.

11. That the Management Committee of the FEDFAQ, being the Committee of Management of the FEDFAQ, resolves that the FEDFAQ use its financial and other resources in support of the proposed amalgamation with the CFMEUQ and the QCEUE.

12. That, if as a consequence of applications or rule changes proposed to be made pursuant to these resolutions, the QIRC refuses to adopt and/or notify such application or rule changes on the ground that the application and/or the rule changes do not comply with the Act and/or any other law, that the Secretary is authorised to amend the respective application or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that such amendments do not substantially depart from the scope and ambit of these resolutions.

13. That the employees of the CFMEUQ, the FEDFAQ and the QCEUE will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected.

14. That the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with the CFMEUQ, the FEDFAQ or the QCEUE.

15. That the CFMEUQ will receive on behalf of the CFMEUQ and the FEDFAQ and the QCEUE service of documents in connection with the proposed amalgamation."

on 6 September 2012; and

b) that a member of the FEDFAQ may object in accordance with section 75 of the Industrial Relations Regulation 2011 to the making of the application for exemption from holding an amalgamation ballot on the ground that the exemption would detrimentally affect the member's interests; and

c) a notice of objection must be filed in the Registry within 21 days of the notice of application of the proposed amalgamation of the CFMEUQ, FEDFAQ and the QCEUE being given in a newspaper circulating throughout the State; and

d) the notice of objection must state, in accordance with section 77 of the Industrial Relations Regulation 2011:

i) the objector's name and address; and

ii) the grounds of the objection; and

iii) particulars of the grounds; and

e) if filing a notice of objection in the Registry, the member must also serve a copy of the notice on the applicants within 7 days of it being filed.

Tim Whyte
Secretary
FEDFAQ

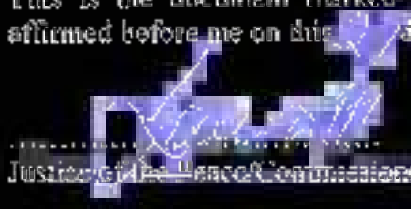
INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No of 2012)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ14" mentioned in the affidavit of Michael Ravbar affirmed before me on this day of November 2012.



Justice of the Peace/Commissioner for Declarations/Lawyer

Copy Pg 52 of 52

[redacted]
Application for Declaration

The State Board of Management of the Queensland Colliery Employees' Union of Employees ("[redacted]") has resolved:

1. to negotiate with the Commission, Foreign Mining Industrial Union of Employees, Queensland ("[redacted]") and the Federated Engine Drivers' and Firemen's Association of Australasia, Union of Employees ("FEDFA") and
2. that the Secretary of Industrial Relations, the [redacted] be requested to make a declaration under section 186 of the Industrial Relations Act 2016 that the [redacted] is a party to the negotiations for the proposed enterprise agreement,

in accordance with the provisions of the Industrial Relations Regulations, have directed the State Board of Management to give notice of its decision

a) that the State Board of Management of the [redacted] makes the following resolution:

"The State Council of Management resolves:

1. That the Queensland Colliery Employees' Union of Employees ("[redacted]") negotiate with the Federated Engine Drivers' and Firemen's Association of Australasia, Union of Employees ("FEDFA") and the Construction, Forestry, Mining and Energy Industrial Union of Employees, Queensland ("[redacted]") for a new certified agreement to be known as the [redacted] ("the new agreement").
2. That the [redacted] be the bargaining representative for the purposes of the negotiations.
3. That the [redacted] be designated in the proposed employer.
4. That under the Rules:
   a) make application for membership of the Queensland Industrial Relations Commission ("QIRC");
   b) meet the bargaining commitments;
   c) make applications for variations to the terms of the Queensland Colliery Employees' Union of Employees Enterprise Agreement 2016 and the [redacted] and the [redacted] and the [redacted]

Copy Pg 1 of 1

Industrial Relations Act 1999

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(RIO/2012/190)

CERTIFICATE OF REGISTRATION OF NEW SET OF RULES

I hereby certify that pursuant to the Act a new set of rules of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland has been approved and registered on 1 May 2013.

Dated at Brisbane this first day of May, 2013.

Industrial Registrar.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

INDUSTRIAL REGISTRAR

13 NOV 2013

QUEENSLAND

Industrial Relations Act 1999, section 319
Industrial Relations Regulation 2011, regulation 62

(Matter No. [redacted] /2013)

APPLICATION FOR AN AMALGAMATION BALLOT FOR THE PROPOSED AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND, AND THE AUSTRALIAN BUILDING CONSTRUCTION EMPLOYEES AND BUILDERS' LABOURERS' FEDERATION (QUEENSLAND) UNION OF EMPLOYEES

TO: The Industrial Registrar, Industrial Registry, Level 21, Central Plaza 2, 66 Eagle Street, (Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060 Fax: (07) 3221 6074

TAKE NOTICE that we Michael Ravbar and David Hanna being respectively the Union Secretary of the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (the "CFMEUQ"), 16 Campbell Street, Bowen Hills in the State of Queensland and the Secretary of the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF"), Level 2, 366 Upper Roma Street, Brisbane in the State of Queensland APPLY to the Commission:

1. to submit a proposed amalgamation to ballot;

2. attached to this application are:

   a) the resolutions of the management committees of the CFMEUQ and the BLF which approve the making of the application to submit a proposed amalgamation to ballot (exhibits "CFMEUQ1", "CFMEUQ2");

   b) a copy of the scheme for the proposed amalgamation (exhibit "CFMEUQ3");

   c) a written scheme outline (exhibit "CFMEUQ4");

   d) a yes case (exhibit "CFMEUQ5");

   e) a copy of the proposed rules of the amalgamated industrial organisation (exhibit "CFMEUQ6");

   f) an affidavit of Michael Ravbar, Union Secretary and member of the management committee of the CFMEUQ stating that *Industrial Relations Regulation 2011* (Qld), regulation 62(5)(a) will be complied with by including the resolution in a publication that the CFMEUQ gives to the members of the State Construction and General Division of the CFMEUQ free of charge in the week commencing 11 November 2013 and giving such members of the Mining Energy and Ports District of the CFMEUQ a copy of the resolution in the week commencing 11 November 2013 (exhibit "CFMEUQ7");

   g) an affidavit of David Hanna, Secretary and member of the management committee of the BLF stating that *Industrial Relations Regulation 2011* (Qld), regulation 62(5)(b) will be complied with by including the resolution in a publication that the BLF gives to its members free of charge in the week commencing 28 October 2013 (exhibit "CFMEUQ8");

3. We apply for directions as to the conduct of this application in relation to the following matters:

   a) parties;

b) publication;

c) nature of hearing;

d) place and time of hearing.

4. We are fully authorised to make this application.

5. The CFMEUQ is authorised to receive on the applicants' behalf service of documents for this application.

Michael Ravbar
Union Secretary
Construction, Forestry, Mining and Energy,
Industrial Union of Employees, Queensland

Date: 31/10/13

INDUSTRIAL REGISTRAR
18 NOV 2013
QUEENSLAND

David Hanna
Secretary
Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees

Date: 31/10/13

Schedule 1

I, Michael Barber solemnly and sincerely affirm and declare as follows:

1. I am the Union Secretary of the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland (the "CFMEUQ").

2. Pursuant to rule A22 of the CFMEUQ's rules the Management Committee Queensland of the CFMEUQ is the management committee of the CFMEUQ (the "MCQ") within the meaning of the *Industrial Relations Act 1999* (Qld) (the "Act").

3. Pursuant to rule A22 of the rules of the CFMEUQ, I am a member of the MCQ.

4. On Wednesday 23 October 2013 the MCQ resolved that:

   1. *the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") amalgamate with the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF");*
   2. *the CFMEUQ be the lead industrial organisation for the purposes of the amalgamation;*
   3. *the BLF be deregistered in the proposed amalgamation;*
   4. *the Union Secretary be authorised to:*
      a) *make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");*
      b) *meet the legal requirements;*
      c) *make application for exemption from ballot of members of the CFMEUQ on the basis that the number of members of the BLF are less than 25% of the number of members of the CFMEUQ;*
      d) *make application for a community of interest declaration;*
      e) *provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;*
      f) *give other notices as may be required by the Act or the rules; and*
      g) *make other applications, either as the CFMEUQ or jointly with the BLF, as the Secretary considers are necessary and appropriate to effect amalgamation;*
   5. *the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be retained as the name of the proposed amalgamated industrial organisation;*
   6. *the CFMEUQ amend its eligibility rule to include the present eligibility rules of the BLF;*
   7. *the CFMEUQ amend its registered callings to include the present registered callings of the BLF;*
   8. *amendments be made to the divisional rules of the CFMEUQ as are necessary to provide for representing all members of the proposed amalgamated industrial organisation;*

INDUSTRIAL REGISTRAR 18 NOV 2013 QUEENSLAND

Michael Barber

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

9. amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, workplace representatives, life members and honorary members into the proposed amalgamated industrial organisation;

10. amendments be made to the rules of the CFMEUQ as are necessary to comply with the Industrial Relations Act 1999 (Qld);

11. the proposed rules of the CFMEUQ reflecting the proposed amalgamation, and annexed as Attachment 1, be adopted as the proposed rules of the proposed amalgamated industrial organisation;

12. the Scheme of Amalgamation, annexed as Attachment 2, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the BLF;

13. the Outline of the Scheme of Amalgamation, annexed as Attachment 3, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the BLF;

14. the 'Yes' statement annexed as Attachment 4 in support of the proposed amalgamation be adopted;

15. the MCC of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the BLF;

16. if as a consequence of applications or rule changes made pursuant to these resolutions that the ORC refuses to accept and/or ratify such application or rule changes on the ground that the application and/or rule change does not comply with the Act and/or any other law, then the Union Secretary is authorised to amend the application or rule change, as the case may be, to conform with the requirements of the ORC, provided that the amendments do not substantially depart from the intent of these resolutions;

17. the employees of the CFMEUQ and the BLF will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected;

18. the proposed amalgamated industrial organisation will recognise, in relation to employees, the service they had with respectively the CFMEUQ or the BLF

19. the proposed amalgamation proceed concurrently and consistently with the proposed merger between the Queensland Builders Labourers Division of Branch and the Queensland Construction Workers Divisional Branch of the CFMEU Construction and General Division;

20. the CFMEUQ will receive on behalf of the CFMEUQ and the BLF service of documents in connection with the proposed amalgamation; and

21. each member of the MCC consents to the waiving of notice."

INDUSTRIAL REGISTRY 16 I . . 2013 QUEENSLAND

5. I annex hereto and mark with the letters "CFMEUQ1" a copy of that resolution.

6. In the week commencing 11 November 2013, the CFMEUQ will forwarded to its members, free of charge, a journal "*Construction Worker*"

7. The following notice will appear in this edition of the *Construction Worker*:

> *The Management Committee Queensland ("MCC") of the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ") has resolved that the CFMEUQ amalgamate with the Australian Builders' Labourers' Federation Union of (Queensland) Employees ("the BLF") and to make application for amalgamation to the*

Michael Kirwan

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

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Queensland Industrial Relations Commission and in accordance with the provisions of the Industrial Relations Act and Regulations, I am authorised to give notice to members that

a. the MCC resolved that:

1. the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ') amalgamate with the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the 'BLF');

2. the CFMEUQ be the host industrial organisation for the purposes of the amalgamation;

3. the BLF be deregistered in the proposed amalgamation;

4. the Union Secretary be authorised to:

a) make application for amalgamation to the Queensland Industrial Relations Commission ('QIRC');

b) meet the legal requirements;

c) make application for exemption from ballot of members of the CFMEUQ on the basis that the number of members of the BLF are less than 20% of the number of members of the CFMEUQ;

d) make application for a community of interest declaration;

e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

f) give other notices as may be required by the Act or the rules; and

g) make other applications, either as the CFMEUQ or jointly with the BLF, as the Secretary considers are necessary and appropriate to effect amalgamation;

5. the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be retained as the name of the proposed amalgamated industrial organisation;

6. the CFMEUQ amend its eligibility rule to include the present eligibility rules of the BLF;

7. the CFMEUQ amend its registered callings to include the present registered callings of the BLF;

8. amendments be made to the divisional rules of the CFMEUQ as are necessary to provide for representing all members of the proposed amalgamated industrial organisation;

9. amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, workplace representatives, life members and honorary members into the proposed amalgamated industrial organisation;

10. amendments be made to the rules of the CFMEUQ as are necessary to comply with the Industrial Relations Act 1999 (Qld);

11. the proposed rules of the CFMEUQ reflecting the proposed amalgamation, and annexed as Attachment 1, be adopted as the proposed rules of the proposed amalgamated industrial organisation;

INDUSTRIAL REGISTRAR
18 NOV 2013
QUEENSLAND

Michael Kaeber

Taken by:
Justice of the Peace/Commissioner
for Declarations/Lawyer

12. the Scheme of Amalgamation, annexed as Attachment 2, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the ELF;

13. the Outline of the Scheme of Amalgamation, annexed as Attachment 3, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the ELF;

14. the 'Yes' statement annexed as Attachment 4 in support of the proposed amalgamation be adopted;

15. the MCQ of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the ELF;

16. if as a consequence of applications or rule change made pursuant to these resolutions that the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or rule change does not comply with the Act and/or any other law, then the Union Secretary is authorised to amend the application or rule change, as the case may be, to conform with the requirements of the QIRC, provided that the amendments do not substantially depart from the spirit of these resolutions;

17. the employees of the CFMEUQ and the ELF will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected;

18. the proposed amalgamated industrial organisation will recognise, in relation to employees, the service they had with respectively the CFMEUQ or the ELF

19. the proposed amalgamation proceed concurrently and consistently with the proposed merger between the Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch of the CFMEU Construction and General Division;

20. the CFMEUQ will receive on behalf of the CFMEUQ and the ELF service of documents in connection with the proposed amalgamation, and

21. each member of the MCQ consents to the waiving of notice; and

b. that a member of the CFMEUQ may object in accordance with section 74 of the Industrial Relations Regulation 2011 to the application for amalgamation

c. any member seeking the amendments to the resolution is to contact the Union Secretary

Michael Ravbar
Union Secretary
CFMEUQ

8. In the week commencing 11 November 2013, the CFMEUQ will also forward to the members of the Mining Energy and Ports District, free of charge, the notice set out in the following paragraph.

9. The notice is:

The Management Committee Queensland ("MCQ") of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") has resolved that the CFMEUQ amalgamate with the Australian Builders' Labourers' Federation Union of (Queensland) Employees ("the ELF") and to make application for amalgamation in the Queensland Industrial Relations Commission and in accordance with the provisions of the Industrial Relations Act and Regulations, I am authorised to give notice to members that:

a. the MCQ resolved that:

Michael Ravbar

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

1. the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") amalgamate with the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF");

2. the CFMEUQ be the host industrial organisation for the purposes of the amalgamation;

3. the BLF be deregistered in the proposed amalgamation;

4. the Union Secretary be authorised to:

   a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

   b) meet the legal requirements;

   c) make application for exemption from ballot of members of the CFMEUQ on the basis that the number of members of the BLF are less than 25% of the number of members of the CFMEUQ;

   d) make application for a community of interest declaration;

   e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the making of an amalgamation ballot;

   f) give other notices as may be required by the Act or the rules, and

   g) make other applications, either as the CFMEUQ or jointly with the BLF, as the Secretary considers are necessary and appropriate to effect amalgamation;

5. the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be retained as the name of the proposed amalgamated industrial organisation;

6. the CFMEUQ amend its eligibility rule to include the present eligibility rules of the BLF;

7. the CFMEUQ amend its registered callings to include the present registered callings of the BLF;

8. amendments be made to the divisional rules of the CFMEUQ as are necessary to provide for representation of members of the proposed amalgamated industrial organisation;

9. amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, workplace representatives, life members and honorary members into the proposed amalgamated industrial organisation;

10. amendments be made to the rules of the CFMEUQ as are necessary to comply with the Industrial Relations Act 1999 (Qld);

11. the proposed rules of the CFMEUQ reflecting the proposed amalgamation, and annexed as Attachment 1, be adopted as the proposed rules of the proposed amalgamated industrial organisation;

12. the Scheme of Amalgamation, annexed as Attachment 2, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the BLF.

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Michael Barbar

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

13. the Outline of the Scheme of Amalgamation, annexed as Attachment 3, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the BLF;

14. the 'Yes' statement annexed as Attachment 4 in support of the proposed amalgamation be adopted;

15. the MCC of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the BLF;

16. if as a consequence of applications or rule change made pursuant to these resolutions that the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or rule change does not comply with the Act and/or any other law, that the Union Secretary is authorised to amend the application or rule change, as the case may be, to conform with the requirements of the QIRC, provided that the amendments do not substantially depart from the ambit of these resolutions;

17. the employees of the CFMEUQ and the BLF will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected;

18. the proposed amalgamated industrial organisation will recognise, in relation to employees, the service they had with respectively the CFMEUQ or the BLF

19. the proposed amalgamation proceed concurrently and consistently with the proposed merger between the Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch of the CFMEU Construction and General Division;

20. the CFMEUQ will receive on behalf of the CFMEUQ and the BLF service of documents in connection with the proposed amalgamation; and

21. each member of the MCC consents to the waiving of notice; and

b. that a member of the CFMEUQ may object in accordance with section 74 of the Industrial Relations Regulation 2011 to the application for amalgamation

c. any member seeking the attachments to the resolution is to contact the Union Secretary.

Michael Rawlev
Union Secretary
CFMEUQ

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10. I am informed by David Hanna, and believe, that:

a) he is the Secretary of the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF");

b) the Executive Committee is, pursuant to rule 14 of the rules of the BLF, the management committee of the BLF within the meaning of the Act;

c) as the Secretary of the BLF and pursuant to rule 14 of the BLF rules he is a member of the Executive Committee of the BLF;

d) on 9 October 2013, the Executive Committee of the BLF resolved that:

Michael Rawlev

Taken by
Justice of the Peace/Commissioner for Declarations/Lawyer

1. the Australian Building Construction Employees and Builders' Laborers' Federation (Queensland) Union of Employees (the "BLF") amalgamate with the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland ("CFMEUQ");

2. the CFMEUQ be the host industrial organisation for the purposes of the amalgamation;

3. the BLF be deregistered on the proposed amalgamation;

4. the Secretary is authorised to:

   a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

   b) meet the legal requirements;

   c) make application for a community of interest declaration;

   d) provide notice to the members, in accordance with the requirements of the Act;

   e) give other notices as may be required by the Act or the rules; and

   f) make other applications, either as the BLF or jointly with the CFMEUQ, as the Secretary considers are necessary and appropriate to effect amalgamation;

5. the name, the Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

6. the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the BLF;

7. the registered callings of the proposed amalgamated organisation include the present registered callings of the BLF;

8. the rules of the proposed amalgamated organisation provide for divisional rules to ensure all members of the proposed amalgamated industrial organisation are represented;

9. the rules of the proposed amalgamated organisation provide for transition of members, officers, workplace representatives and honorary members of the BLF into the proposed amalgamated industrial organisation;

10. the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act");

11. the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as Attachment 1, be adopted by the BLF as the proposed rules of the proposed amalgamated industrial organisation;

12. the Scheme of Amalgamation, which is annexed hereto as Attachment 2, be adopted by the BLF as the scheme for the proposed amalgamation with the CFMEUQ;

13. the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 3, be adopted by the BLF as the scheme for the proposed amalgamation with the CFMEUQ;

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Michael Kerbar

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

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14. the 'Yes' statement approved hereto at Attachment 4 in support of the proposed amalgamation be adopted by the BLF as the 'Yes' Statement of the BLF;

15. the Executive Committee of the BLF, being the Committee of Management of the BLF, resolves that the BLF use its financial and other resources in support of the proposed amalgamation with the CFMEUQ;

16. if as a consequence of applications or rule changes proposed to be made pursuant to these resolutions, the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or the rule changes do not comply with the Act and/or any other law, then the Secretary is authorised to amend the respective application or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that the amendments do not substantially depart from the intent of these resolutions;

17. the employees of the CFMEUQ and the BLF will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected;

18. the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ or the BLF; and

19. the CFMEUQ will receive on behalf of the CFMEUQ and the BLF service of documents in connection with the proposed amalgamation.

e) I annex hereto and mark with the letter "CFMEUQ2" a copy of that resolution;

f) in the week commencing 28 October 2013 the BLF will forward to its members, free of charge, the journal *The Builders Labourer*;

g) the following notice will appear in this edition of *The Builders Labourer*:

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The Executive Committee of the Australian Builders' Labourers' Federation Union of (Queensland) Employees ("the BLF") has resolved that the BLF amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") and to make application for amalgamation to the Queensland Industrial Relations Commission and in accordance with the provisions of the Industrial Relations Act and Regulations, I am authorised to give notice to members that:

a. the Executive Committee resolved that:

1 the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF") amalgamate with the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ");

2 the CFMEUQ be the host industrial organisation for the purposes of the amalgamation;

3 the BLF be amalgamated in the proposed amalgamation;

4 the Secretary is authorised to:

a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");
b) meet the legal requirements;
c) make application for a declaration of interest declaration;
d) provide notice to the members, in accordance with the requirements of the Act;
e) give other notices as may be required by the Act or the rules, and

Michael Ravbar

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for Declarations/Lawyer

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f) make other applications, either as the BLF or jointly with the CFMEUQ, as the Secretary considers are necessary and appropriate to effect amalgamation;

5. the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

6. the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the BLF;

7. the registered callings of the proposed amalgamated organisation include the present registered callings of the BLF;

8. the rules of the proposed amalgamated organisation provide for divisional rules to ensure all members of the proposed amalgamated industrial organisation are represented;

9. the rules of the proposed amalgamated organisation provide for transition of members, officers, workplace representatives and honorary members of the BLF into the proposed amalgamated industrial organisation;

10. the rules of the proposed amalgamated organisation are to comply with the Industrial Relations Act 1999 (Qld) ("the Act");

11. the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as Attachment 1, be adopted by the BLF as the proposed rules of the proposed amalgamated industrial organisation;

12. the Scheme of Amalgamation, which is annexed hereto as Attachment 2, be adopted by the BLF as the scheme for the proposed amalgamation with the CFMEUQ;

13. the Outline of the Scheme of Amalgamation which is annexed hereto as Attachment 3, be adopted by the BLF as the scheme for the proposed amalgamation with the CFMEUQ;

14. the 'Yes' statement annexed hereto as Attachment 4 in support of the proposed amalgamation be adopted by the BLF as the 'Yes' Statement of the BLF;

15. the Executive Committee of the BLF, being the Committee of Management of the BLF, resolves that the BLF use its financial and other resources in support of the proposed amalgamation with the CFMEUQ;

16. if as a consequence of applications or rule changes proposed by the matter pursuant to these resolutions, the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or the rule changes do not comply with the Act and/or any other law, then the Secretary is authorised to amend the respective application or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that the amendments do not substantially depart from the ambit of these resolutions;

17. the employees of the CFMEUQ and the BLF will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected;

18. the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ or the BLF; and

19. the CFMEUQ will receive on behalf of the CFMEUQ and the BLF service of documents in connection with the proposed amalgamation.

b Members of the BLF may object in accordance with section 74 of the Industrial Relations Regulation 2011 to the application for amalgamation, and

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Michael Barker

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

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c. Any member seeking the attachments to the resolution is to contact the Secretary.

David Hanna
Secretary
BLF

11. The CFMEUQ and, I am respectively informed by Mr Hanna and believe, the BLF have resolved inter alia:

a) to amalgamate with the CFMEUQ in accordance with the Act;

b) that the proposed amalgamating industrial organisation have the same name that the CFMEUQ currently has;

c) that the CFMEUQ be the "host" and the BLF be deregistered;

d) that the eligibility of the CFMEUQ be altered to include the eligibility of the BLF in such a way as to ensure the eligibility of the proposed amalgamated industrial organisation is not expanded beyond the eligibility of the CFMEUQ (pre-amalgamation) and the BLF;

e) that the registered callings of the BLF be added to the registered callings of the CFMEUQ;

f) that the assets and liabilities of the BLF be transferred to the CFMEUQ;

g) that financial and/or honorary members of the BLF become financial and/or honorary members (as the case may be) of the CFMEUQ without any extra cost to them or loss of rights; and

h) that the CFMEUQ receive on behalf of the CFMEUQ and the BLF service of documents.

12. A copy of the scheme of amalgamation adopted by the CFMEUQ, and I am informed by Mr Hanna and believe, by the BLF, is attached to the application in relation to which this affidavit is made as "CFMEUQ3".

13. The scheme of amalgamation addresses those matters which are required to be addressed by the *Industrial Relations Regulation 2011* (the "Regulations"), regulation 55, namely:

a) that the general nature of the amalgamation is set out;

b) that the parties to the amalgamation are the CFMEUQ and the BLF;

c) that the CFMEUQ, an existing organisation, is the proposed amalgamated organisation;

d) that the BLF is proposed to be deregistered;

e) that all the members and/or honorary members of the BLF are on the day the Commission determines to be amalgamation day ("Amalgamation Day") to become members and/or honorary members (as the case may be) of the CFMEUQ without payment of an entrance fee;

f) that it is not proposed to alter the name of the CFMEUQ;

Michael Bawden

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

g) that it is proposed to amend the eligibility of the CFMEUQ by adding the eligibility of the BLF so as to permit it to enrol persons who could have been enrolled by the BLF on the day immediately preceding Amalgamation Day;

h) what the arrangements on, and from, Amalgamation Day in relation to the property of the proposed deregistering organization will be; and

i) what the arrangements on and from, Amalgamation Day in relation to the liabilities of the proposed deregistering organization will be.

14. The scheme provides for other matters, in accordance with regulation 58 of the Regulations.

15. There is no alternative scheme of amalgamation.

16. A copy of the scheme outline adopted by the CFMEUQ, and I am informed by Mr Hanna and I believe, by the BLF, is attached to the application in relation to which this Affidavit is made as "CFMEUQ4".

17. The scheme outline contains 3242 words, which is more than 3000 words, and the approval of the Commission of the scheme outline with these additional words is sought by the Applicants in accordance with Regulation 61(1).

18. The scheme outline does not contain things other than words and no approval is required to be sought pursuant to Regulation 61(2)

19. A yes case adopted by the CFMEUQ, and I am informed by Mr Hanna and believe by the BLF, has been filed in the registry and is attached to the application in relation to which this affidavit is made as "CFMEUQ5".

20. The yes case filed in the registry is less than 2000 words.

21. The yes case includes things other than words and the Applicants seek the Commission's approval for those inclusions.

22. A copy of the proposed rules, which reflect the proposed amalgamation and which have been adopted by the CFMEUQ, and I am informed by Mr Hanna and believe respectively by the BLF, is attached to this application in relation to which this affidavit is made as "CFMEUQ6".

23. The proposed rules make provision for those matters which the Act requires provision be made for.

24. The proposed rules provide for the 'transition' of the BLF members into the proposed amalgamated industrial organisation.

25. I have attached marked, respectively as CFMEUQ7 and CFMEUQ8 an affidavit of myself and an affidavit of Mr Hanna attesting, respectively, to compliance with the *Industrial Relations Regulations 2011*.

26. I am fully authorised to make this application.

Michael Barber

Taken by
Justice of the Peace/Commissioner
for Declarations/Lawyer

27. All the facts and circumstances deposed to in this my affidavit are within my knowledge and belief, except for the facts and circumstances deposed to from information only, and my means of knowledge and sources of information appear on the face of this my affidavit.

Michael Ravbar
Union Secretary
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland

AFFIRMED by Michael Ravbar

Before me
Name:
Justice of the Peace/Commissioner for Declarations/Solicitor

INDUSTRIAL REGISTRAR
19 NOV 2013
QUEENSLAND

PARTICULAR OF THE APPLICANT

Name:	Michael Ravbar
Title of office:	Union Secretary
Organisation:	Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Residential or business address:	16 Campbell Street BOWEN HILLS QLD 4006
Applicant's address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Applicant's phone number or contact phone number:	(07) 3231-4610
Applicant's fax number: *(if any)*	(07) 3231-4699

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name:	John Payne
and firm name:	Hall Payne Lawyers
Lawyer's business address:	Locked Bag 2013 SOUTH BRISBANE QLD 4101
Address for service:	Hall Payne Lawyers Ground Floor, 27 Peel Street SOUTH BRISBANE QLD 4101
Phone:	07 3017 2400
Fax	07 3017 2499
E-mail address:	general@hallpayne.com.au

INDUSTRIAL REGISTRAR
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QUEENSLAND

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No /2013/)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ 1" mentioned in the affidavit of Michael Ravbar affirmed before me on this 31 day of October 2013.

Justice of the Peace/Commissioner for Declarations/Solicitor

INDUSTRIAL REGISTRAR
14 NOV 2013
QUEENSLAND

CFMEUQ Resolution

The Management Committee Queensland resolves that:

1. the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") amalgamate with the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF");

2. the CFMEUQ be the lead industrial organisation for the purposes of the amalgamation.

3. the BLF be deregistered in the proposed amalgamation.

4. the Union Secretary be authorised to:

   a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

   b) meet the legal requirements;

   c) make application for exemption from ballot of members of the CFMEUQ on the basis that the number of members of the BLF are less than 25% of the number of members of the CFMEUQ;

   d) make application for a community of interest declaration.

   e) provide notice to the members, in accordance with the requirements of the Act of the application for exemption from the holding of an amalgamation ballot;

   f) give other notices as may be required by the Act or the rules; and

   g) make other applications, either as the CFMEUQ or jointly with the BLF, as the Secretary considers are necessary and appropriate to effect amalgamation;

5. the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be retained as the name of the proposed amalgamated industrial organisation;

6. the CFMEUQ amend its eligibility rule to include the present eligibility rules of the BLF;

7. the CFMEUQ amend its registered ceilings to include the present registered ceilings of the BLF;

8. amendments be made to the divisional rules of the CFMEUQ as are necessary to provide for representing all members of the proposed amalgamated industrial organisation;

9. amendments be made to the rules of the CFMEUQ to provide for transition of members, officers, workplace representatives, life members and honorary members into the proposed amalgamated industrial organisation;

10. amendments be made to the rules of the CFMEUQ as are necessary to comply with the Industrial Relations Act 1999 (Qld);

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11. the proposed rules of the CFMEUQ reflecting the proposed amalgamation, and annexed as Attachment 1, be adopted as the proposed rules of the proposed amalgamated industrial organisation;

12. the Scheme of Amalgamation, annexed as Attachment 2, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the BLF;

13. the Outline of the Scheme of Amalgamation, annexed as Attachment 3, be adopted by the CFMEUQ as the scheme for the proposed amalgamation with the BLF;

14. the 'Yes' statement annexed as Attachment 4 in support of the proposed amalgamation be adopted;

15. the MCQ of the CFMEUQ, being the Committee of Management of the CFMEUQ, resolves that the CFMEUQ use its financial and other resources in support of the proposed amalgamation with the BLF;

16. if as a consequence of applications or rule change made pursuant to these resolutions that the QIRC refuses to adopt and/or ratify such application or rule change on the ground that the application and/or rule change does not comply with the Act and/or any other law, then the Union Secretary is authorised to amend the application or rule change, as the case may be, to conform with the requirements of the QIRC, provided that the amendments do not substantially depart from the ambit of these resolutions;

17. the employees of the CFMEUQ and the BLF will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected;

18. the proposed amalgamated industrial organisation will recognise, in relation to employees, the service they had with respectively the CFMEUQ or the BLF;

19. the proposed amalgamation proceed concurrently and consistently with the proposed merger between the Queensland Builders Labourers Divisional Branch and the Queensland Construction Workers Divisional Branch of the CFMEU Construction and General Division;

20. the CFMEUQ will receive on behalf of the CFMEUQ and the BLF service of documents in connection with the proposed amalgamation; and

21. each member of the MCQ consents to the waiving of notice."

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Michael Barbar
Union Secretary
Construction, Forestry, Mining and Energy,
Industrial Union of Employees, Queensland

Date: 23 October 2013

COM.0001.0014.5492_0018

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No /2013/)

CERTIFICATE OF EXHIBIT

This is the document marked "[illegible]" mentioned in the affidavit of Michael Pavlar affirmed before me on this 31 day of October 2013.

Alfred Stacy Davidson 1053

Justice of the Peace/Commissioner for Declarations/Lawyer

INDUSTRIAL REGISTRAR
18 NOV 2013
QUEENSLAND

BLF Resolutions

The Executive Committee resolves that:

1. the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF") amalgamate with the Construction Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ");

2. the CFMEUQ be the host industrial organisation for the purposes of the amalgamation;

3. the BLF be deregistered in the proposed amalgamation;

4. the Secretary is authorised to:

   a) make application for amalgamation to the Queensland Industrial Relations Commission ("QIRC");

   b) meet the legal requirements;

   c) make application for a community of interest declaration;

   d) provide notice to the members, in accordance with the requirements of the Act;

   e) give other notices as may be required by the Act or the rules; and

   f) make other applications, either as the BLF or jointly with the CFMEUQ, as the Secretary considers are necessary and appropriate to effect amalgamation.

5. the name, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland be the name of the proposed amalgamated industrial organisation;

6. the eligibility rule of the proposed amalgamated organisation include the present eligibility rules of the BLF;

7. the registered callings of the proposed amalgamated organisation include the present registered callings of the BLF;

8. the rules of the proposed amalgamated organisation provide for divisional rules to ensure all members of the proposed amalgamated industrial organisation are represented;

9. the rules of the proposed amalgamated organisation provide for transition of members, officers, workplace representatives and honorary members of the BLF into the proposed amalgamated industrial organisation;

10. the rules of the proposed amalgamated organisation are to comply with the *Industrial Relations Act 1999* (Qld) ("the Act");

11. the rules of the proposed amalgamated organisation, which reflect the proposed amalgamation, annexed hereto as Attachment 1, be adopted by the BLF as the proposed rules of the proposed amalgamated industrial organisation;

12. the Scheme of Amalgamation, which is annexed hereto as Attachment 2, be adopted by the BLF as the scheme for the proposed amalgamation with the CFMEUQ;

13. the Outline of the Scheme of Amalgamation, which is annexed hereto as Attachment 3, be adopted by the BLF as the scheme for the proposed amalgamation with the CFMEUQ;

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14. the 'Yes' statement annexed hereto as Attachment 4 in support of the proposed amalgamation be adopted by the BLF as the 'Yes' Statement of the BLF;

15. the Executive Committee of the BLF, being the Committee of Management of the BLF, resolves that the BLF use its financial and other resources in support of the proposed amalgamation with the CFMEUQ;

16. if as a consequence of applications or rule changes proposed to be made pursuant to these resolutions, the QIRC refuses to adopt and/or ratify such application or rule changes on the ground that the application and/or the rule changes do not comply with the Act and/or any other law, then the Secretary is authorised to amend the respective application or rule changes, as the case may be, to conform with the requirements of the QIRC, provided that the amendments do not substantially depart from the ambit of these resolutions;

17. the employees of the CFMEUQ and the BLF will be employees of the proposed amalgamated industrial organisation on the day amalgamation is effected;

18. the proposed amalgamated industrial organisation will recognise, in relation to employees, the service that they will have had with any of the CFMEUQ or the BLF; and

19. the CFMEUQ will receive on behalf of the CFMEUQ and the BLF service of documents in connection with the proposed amalgamation.

David Hanna
Secretary
Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees

Date: 9 October 2013

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12 NOV 2013
QUEENSLAND

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No /2013/)

CERTIFICATE OF EXHIBIT

This is the document marked "CRMEL03" mentioned in the affidavit of Michael Ravbar affirmed before me on this 31st day of October

Justice of the Peace/Commissioner for Declarations/Lawyer

INDUSTRIAL REGISTRAR
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QUEENSLAND

SCHEME OF AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND AND THE AUSTRALIAN BUILDING CONSTRUCTION EMPLOYEES AND BUILDERS' LABOURERS' FEDERATION (QUEENSLAND) UNION OF EMPLOYEES

1. The proposed amalgamation is an amalgamation between, and the applicants to the amalgamation are, the:

   a) Construction, Forestry, Mining & Energy Union, Industrial Union of Employees, Queensland ("CFMEUQ"); and

   b) Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF").

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2. The counterpart federal body of the CFMEUQ is the Construction, Forestry, Mining and Energy Union ("CFMEU").

3. The counterpart federal body of the BLF is the CFMEU.

4. The purpose of the amalgamation is to reflect the organisation registered in the commonwealth jurisdiction.

5. The CFMEUQ is the proposed amalgamated industrial organisation.

6. The proposed deregistering industrial organisation will be the BLF.

7. The CFMEUQ is authorised to receive on behalf of the applicants, service of documents in connection with the proposed amalgamation.

8. It is proposed that the proposed amalgamated industrial organisation will be named the Construction, Forestry, Mining & Energy Union, Industrial Union of Employees, Queensland

9. All members of the CFMEUQ and the BLF are to become, on the date prescribed by the Queensland Industrial Relations Commission as the day of amalgamation for the CFMEUQ and the BLF ("amalgamation day"), without payment of an entrance fee, members of the proposed amalgamated industrial organisation.

10. All members and/or honorary members of the CFMEUQ and the BLF are to become, on amalgamation day, without payment of an entrance fee, members

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and/or honorary members (as the case may be) of the proposed amalgamated industrial organisation.

11. The funds and property of the BLF will become those of the proposed amalgamated industrial organisation.

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12. The liabilities of the BLF will become those of the proposed amalgamated industrial organisation.

13. The management of the funds, property and liabilities of the proposed amalgamated industrial organisation will be conducted in accordance with the rules of the proposed amalgamated industrial organisation.

14. It is proposed to alter the eligibility rules of the CFMEUQ by adding the eligibility rule of the BLF to the existing eligibility rule of the CFMEUQ.

15. The proposed amalgamation does not have the effect of extending the eligibility rules of the proposed amalgamated industrial organisation beyond those of the applicants.

16. It is proposed to alter the registered callings of the CFMEUQ by adding the registered callings of the BLF.

17. The proposed amalgamation does not have the effect of extending the registered callings of the proposed amalgamated industrial organisation beyond those of the applicants.

18. The constitution of the BLF will be included in the rules of the proposed amalgamated industrial organisation

19. The rules of the proposed amalgamated industrial organisation will provide for:

a) the:

- objects;
- transition of:
  - officers;
  - members;

COM.0001.0014.5492_0024

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- life and retired members,
- clearance and honorary members; and
- workplace representatives and delegates,



- rights, and obligations, of:
  - members;
  - life and retired members;
  - clearance honorary members; and
  - workplace representatives and delegates,
- allocation of members, life and retired members, clearance and honorary members and workplace representatives and delegates to divisions;
- allocation of members to sub-divisions in the divisions,
- autonomy of the divisions;
- structure providing for the good government of the proposed amalgamated industrial organisation and its divisions,
- transparency of the proposed amalgamation industrial organisation and its divisions;
- control by the members of the proposed amalgamated industrial organisation, and its divisions;
- election of the officers, and other positions, of the proposed amalgamated industrial organisation and its divisions;
- determination of entrance fees, subscriptions, fees, levies and fines of the proposed amalgamated industrial organisation and its divisions;
- management of the assets of the proposed amalgamated industrial organisation and its divisions;

- management of the liabilities of the proposed amalgamated industrial organisation and its divisions;
- audit of the proposed amalgamated industrial organization and its divisions;
- appointment of workplace representatives and delegates of the proposed amalgamated industrial organisation and its divisions;
- engagement of employees, contractors and agents of the proposed amalgamated industrial organisation and its divisions;
- resolution of disputes between:
  - divisions;
  - sub-divisions; and
  - members;
- resolution of alleged misconduct of members and officers of the proposed amalgamated industrial organisation and its divisions;
- execution of documents by the proposed amalgamated industrial organisation and its divisions;
- notification of industrial disputes by the proposed amalgamated industrial organisation and its divisions,
- taking of action and the issuing of proceedings on behalf of the proposed amalgamated industrial organisation and its divisions;
- affiliations by the proposed amalgamated industrial organisation and its divisions, and
- amendment of rules of the proposed amalgamated industrial organization and its divisions: and

b) providing for such other amendments and translations as are otherwise referred to in this scheme of amalgamation.

20. There is no alternative scheme of amalgamation.

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21. The rules of the proposed amalgamated industrial organisation provide that officers of the CFMEUQ or the BLF (an "existing officer"), who are translated into office in the proposed amalgamated industrial organisation, cannot hold office in the proposed amalgamated industrial organisation without an ordinary election for more than the longer of:

    a) an existing officer's unexpired term of office on the day immediately preceding amalgamation day; or

    b) 2 years from amalgamation day.

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22. It is proposed that:

    a) all decisions of the QIRC that bind the CFMEUQ, or the BLF;

    b) all awards and agreements of the QIRC binding on the CFMEUQ or the BLF; and

    c) all pending proceedings in the QIRC or elsewhere in relation to which the CFMEUQ or the BLF are parties,

    will bind the proposed amalgamated industrial organisation, or the proposed amalgamated industrial organisation will be a party to the pending proceedings, as the case may be.

23. A person ineligible for membership of the CFMEUQ on the day immediately prior to amalgamation day, who was not on the day immediately prior to amalgamation day eligible for membership of the BLF, will not be eligible for membership of the proposed amalgamated industrial organisation.

24. A person ineligible for membership of the BLF on the day immediately prior to amalgamation day, who was not on the day immediately prior to amalgamation day eligible for membership of the CFMEUQ, will not be eligible for membership of the proposed amalgamated industrial organisation.

25. It is proposed that annual subscription fees for membership of the proposed amalgamated industrial organisation will, for a person mentioned in column A, be the amount set out in the corresponding part of column B:

A	B

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Member of the CFMEUQ on the day prior to amalgamation day	Level of subscription fees paid by that member on the day prior to amalgamation day
Member of the BLF on the day prior to amalgamation day	Level of subscription fees paid by a member of the Construction and General Division of the CFMEUQ on the day prior to amalgamation day

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Industrial Relations Act 1999

(No /2013)

CERTIFICATE OF EXHIBIT

This is the document marked "CPMELQM" exercised in the affidavit of Michael Ravbar affirmed before me on this 31 day of October 2013

Justice of the Peace/Commissioner for Declarations/Lawyer

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QUEENSLAND

OUTLINE OF AMALGAMATION OF THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND AND THE AUSTRALIAN BUILDING CONSTRUCTION EMPLOYEES AND BUILDERS' LABOURERS' FEDERATION (QUEENSLAND) UNION OF EMPLOYEES

1. Parties to the Amalgamation



a) The parties to the amalgamation are the existing organisations the Construction, Forestry, Mining & Energy Union, Industrial Union of Employees, Queensland ("CFMEUQ") and the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF").

2. Reasons for Amalgamation

a) The proposed amalgamation will bring together 2 state registered unions:

i) whose membership, employers and industries overlap;

ii) which have both been active in organising workplaces for workers engaged in the industries of building construction, plant operation and local Government;

iii) which have a significant history in achieving, and maintaining, rights for workers in industrial workplaces; and

iv) which have acted jointly in campaigning for the achievement and maintenance of the rights of workers.

b) The unions proposing to amalgamate are state registered unions, with federal counterparts that form the Construction Forestry Mining and Energy Union ("CFMEU").

c) It is now appropriate, due to changes that have occurred in jurisdictions which have a consequent impact on representation, to ensure that the effective representation of the members of the CFMEUQ and the BLF, is maximised by creating a cohesive structure within the one organisation to represent members. This will also have the effect of removing historical barriers to representation.

3. Name of the Amalgamated Industrial Organisation

a) The name of the proposed amalgamated industrial organization will be the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

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4. Host Organisation

a) The host industrial organisation in the proposed amalgamation will be the CFMEUQ and the BLF will be deregistered.

5. Day of Amalgamation

a) The day of amalgamation for the purpose of this outline is "amalgamation day".

6. Members

a) All present members, clearance members, honorary members, retired members and life members of the CFMEUQ and the BLF will become members, clearance members, honorary members, retired members or life members, as the case may be, of the proposed amalgamated industrial organisation.

7 Financial Status

a) Members' financial status in the new union will be the same as it is in the union to which they presently belong, and they will remain as financial members of the proposed amalgamated industrial organisation for the same period of time as they are presently entitled to remain as financial members of the present unions, the CFMEUQ or the BLF, as the case may be.

b) Unfinancial members of the CFMEUQ or the BLF will also be members of the proposed amalgamated industrial organisation but will remain as unfinancial members until they become financial pursuant to the rules of the proposed amalgamated industrial organisation, or are removed as unfinancial members from the register of members as provided for in the rules of the proposed amalgamated industrial organisation

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8. Entrance Fee

a) No entrance fee will be charged to members, honorary members, retired members or life members of the CFMEUQ or the BLF to join the proposed amalgamated industrial organisation.

b) Provided that following amalgamation day the Management Committee of the Construction and General division will be able to determine the amount of entrance fees for new entrants in relation to the division in accordance with the rules of the Construction and General division of the proposed amalgamated industrial organisation.

9. Subscription Fees

a) Subscription fees for members of the proposed amalgamated industrial organisation will on amalgamation day be charged as follows:

i) the annual subscription fees to be paid by members of the proposed amalgamated industrial organisation subsequent to amalgamation day will be:

(1) for members who were members of the CFMEUQ on the day prior to amalgamation day at the level of such subscription fees on the day prior to amalgamation day; and

(2) for members who were members of the BLF on the day prior to amalgamation day at the level of the subscription fee paid by a member of the Construction and General Division of the CFMEUQ on the day prior to amalgamation day;

ii) subscription fees to be paid by an entrant to the proposed amalgamated industrial organisation who is attached to the Construction and General division and who was not a member of the CFMEUQ or the BLF on the day prior to amalgamation day will be an amount equivalent to the level of fees paid by a member of the CFMEUQ on the day prior to amalgamation day.

b) Provided that the Management Committee of the Construction and General division will be able to determine the scale of subscription fees in relation to the Construction and General division in accordance with the

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rules of that division of the proposed amalgamated industrial organisation.

10. Levies

a) The proposed industrial organisation and its divisions will on, and from, amalgamation day only be able to raise levies in the manner provided for in the rules of the proposed amalgamated industrial organisation.

11. Structure of the Amalgamated Industrial Organisation

a) The structure of the proposed amalgamated industrial organisation is comprised of:

i) a state body;

ii) 2 divisions:

(1) the Construction and General division; and

(2) the Mining, Energy and Ports District; and

iii) sub-divisions

(1) in the Mining, Energy and Ports District – District Lodges.

b) This structure provides for the offices of the proposed amalgamated industrial organisation and it is proposed that the present office bearers of the CFMEUQ and the ELF will be translated into the proposed amalgamated industrial organisation as follows:

i) on amalgamation day the Management Committee Queensland ("MCQ") which is the body that formally oversees the Union.

- No change

ii) the Construction and General Division – State Divisional Council/State Divisional Executive:

A	B
Secretary – ELF	State Divisional President –

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	SCG Division; • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
President - BLF	State Divisional Senior Vice President - SCG Division • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
Assistant Secretary - BLF	State Divisional Executive member - SCG Division • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
Vice President - BLF	State Divisional Vice President - SCG Division • State Divisional Council Member – SCG Division
Trustees – BLF	State Divisional Council Member - SCG Division • State Divisional Council Member – SCG Division
Treasurer – BLF	State Divisional Council Member – SCG Division • State Divisional Council Member – SCG Division
Guardian – BLF	State Divisional Council Member – SCG Division • State Divisional Council Member – SCG Division
Executive Member - BLF	State Divisional Council Member - SCG Division • State Divisional Council Member – SCG Division
State Divisional President –	State Divisional Senior Vice

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State Division	President - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Vice President – State Division	State Divisional Vice President (State Division) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Secretary – State Division	State Secretary - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (Plasterers) – State Division	State Divisional Assistant Secretary (Plasterers) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (Painters) – State Division	State Divisional Assistant Secretary (Painters) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (General) – State Division	State Divisional Assistant Secretary (General) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Executive Member	State Divisional Executive Member - SCG Division • State Divisional Council

	Member - SCG Division • State Divisional Executive Member – SCG Division
State Divisional Council Member	State Divisional Council Member - SCG Division

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iii) the Mining Energy and Ports District – Board of Management:

- No change

iv) the Mining, Energy and Ports District – District Executive:

- No change

c) The effect of these structures and the representation provided is that members of the CFMEUQ and the BLF will be represented by persons who have previously represented them in the proposed amalgamated industrial organisation.

d) The structures of the Construction and General division continue to represent a truly merged representative structure with geographical representation. This reflects the extent of the representation in Queensland and ensures a balance between the interest of members throughout the state. Representation will be maintained, until the first full divisional election, by means of the transitional rule which provides for participation of the present Construction and General division officers and the BLF officers up to the next quadrennial elections.

e) The structure of the Mining, Energy and Ports District has not altered and reflects the historical representation and democratic structures that have been utilised in the mining, energy and ports industries for well over a century. Those structures have been, and remain, effective in the industries concerned.

12. Objects

a) The objects of the proposed amalgamated industrial organisation represent a contemporary expression of the traditional aims of trade and industrial unions

b) The objects are focussed on improving, by all practicable and lawful means, the

i) working conditions,

ii) workplaces;

iii) health and safety;

iv) communities; and

v) living conditions,

of members and their families

c) The objects are both practical and aspirational and define in a positive way, the future path of the proposed amalgamated industrial organisation.

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13. Autonomy

a) The rules provide for 2 autonomous divisions.

b) The rule providing for the autonomy of the divisions is designed to ensure that both divisions, whilst being part of an overarching structure, are significantly able to determine their own direction and policy.

c) Both divisions represent a lengthy industrial history of member representation. However, despite significant similarities in that history of representation there are also differences in structure, approach, means of representation and focus. This has occurred for a variety of reasons and underpins the requirement for autonomy.

d) The rules have been designed to protect and maintain this autonomy.

14. Rules

a) The rules of the proposed amalgamated industrial organisation are designed to ensure that they are:

- contemporary;

- directed at achieving maximum efficiency;
- provide for essential administrative flexibility;
- provide appropriate governance; and
- provide for democratic control by the members.

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b) The rules of the proposed amalgamated industrial organisation will provide for:

i) Part A, Part B and Part C rules to reflect the state and divisional structures;

ii) providing for sub-divisional structures in both divisions,

iii) providing for the:

- objects;
- transition of:
  - officers;
  - members;
  - life and retired members;
  - clearance and honorary members; and
  - workplace representatives and delegates;
- rights, and obligations, of:
  - members;
  - life and retired members;
  - clearance and honorary members; and
  - workplace representatives and delegates;
- allocation of members to divisions;

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- allocation of members to sub-divisions in the divisions;
- autonomy of the divisions.
- structure providing for the good government of the proposed amalgamated industrial organisation and its divisions;
- transparency of the proposed amalgamated industrial organisation and its decisions;
- control by the members, of the proposed amalgamated industrial organisation and its divisions;
- election of the officers, and other positions, of the proposed amalgamated industrial organisation and its divisions.
- determination of entrance fees, subscriptions, fees, levies and fines of the proposed amalgamated industrial organisation and its divisions;
- management of the assets of the proposed amalgamated industrial organisation and its divisions;
- management of the liabilities of the proposed amalgamated industrial organisation and its divisions;
- audit of the proposed amalgamated industrial organisation and its divisions;
- appointment of workplace representatives and delegates of the proposed amalgamated industrial organisation and its divisions;
- engagement of employees, contractors and agents of the proposed amalgamated industrial organisation and its divisions;
- resolution of disputes between:
  - divisions;

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- sub-divisions, and
- members;

- resolution of alleged misconduct of members and officers of the proposed amalgamated industrial organisation and its divisions,
- execution of documents by the proposed amalgamated industrial organisation and its divisions;
- notification of industrial disputes by the proposed amalgamated industrial organisation and its divisions;
- taking of action and the issuing of proceedings on behalf of the proposed amalgamated industrial organisation and its divisions,
- affiliations by the proposed amalgamated industrial organisation and its divisions,
- regulatory compliance; and
- amendment of rules; and

iv) providing for such other amendments as are otherwise referred to in this Scheme of Amalgamation

15. The divisions

a) It is proposed that there be 2 divisions and each member of the proposed amalgamated industrial organisation will be allocated to the relevant division in accordance with the following:

b) Construction and General division:

(1) all members of the Construction and General division of the CFMEUQ; and

(2) all members of the BLF

c) Mining, Energy and Ports District:

10461

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(1) all members of the Mining, Energy and Ports District of the CFMEUQ; and

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b) Subsequent to amalgamation day it is proposed that the membership of the proposed amalgamated industrial organisation be attached to the divisions based on the attachment rule of the proposed amalgamated industrial organisation set out in the Part A rules, which reflects the historical callings of the CFMEUQ and the BLF.

16 Eligibility Rules and Registered Callings

a) The eligibility rules of the BLF will be inserted into the rules of the proposed amalgamated industrial organisation, and will not have the effect of extending the eligibility rules of the proposed amalgamated industrial organisation beyond those that presently exist for the CFMEUQ and the BLF.

b) The registered callings of the BLF will be inserted into the registered callings of the proposed amalgamated industrial organisation, and will not have the effect of extending the registered callings of the proposed amalgamated industrial organisation beyond those that presently exist for the CFMEUQ and the BLF

17 Transitional Rules

a) It is necessary for transitional rules to be provided which "translate" aspects of the CFMEUQ and the BLF into the proposed amalgamated industrial organisation structure in relation to:

i) governance;

ii) representation;

iii) democratic control and

iv) synchronization of officeselections.

b) The transition rule provides for translation of:

i) management committee officers of the CFMEUQ and the BLF into the new structures.

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ii) 2 divisional structures with the effect that the elected representatives of the CFMEUQ, Construction and General division and the BLF will have representation in the Construction and General division of the proposed amalgamated industrial organisation and the elected representatives of the CFMEUQ, Mining, Energy and Ports District will have representation in the Mining, Energy and Ports District;

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iii) sub-divisions and sub-divisional structures,

iv) members;

v) clearances and honorary members,

vi) life and retired members,

vii) workplace representatives and delegates;

viii) financial status of members;

ix) property and assets;

x) liabilities; and

xi) affiliation to organisations;

xii) for the filling of vacancies caused either casually or by persons not taking up positions on amalgamation date;

xiii) for elections for offices,

xiv) for the proposed amalgamated industrial organisations auditor and for the auditors of the divisions;

xv) for policy; and

xvi) for subscription fees,

and such other translations as are otherwise referred to in this outline of the scheme of amalgamation

18. Sub-divisions

10463

a) It is proposed that the Sub-divisions of the CFMEUQ and the BLF, as the case may be, will be translated into the proposed amalgamated industrial organisation and will continue to operate.

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19. Workplace Representatives and Delegates

a) It is proposed that the workplace representatives and delegates of the CFMEUQ and the BLF will be translated into the proposed amalgamated industrial organisation.

b) Workplace representatives and delegates will have the same obligations in the proposed amalgamated industrial organisation as they have in the CFMEUQ or the BLF

20. Management

a) The property, assets and liabilities of the CFMEUQ and BLF will be translated to the proposed amalgamated industrial organisation and will become the property, assets and liabilities of the proposed amalgamated industrial organisation, provided that the benefit and use of property presently held by the CFMEUQ, Construction and General Division and the BLF, will be allocated to the construction and general divisional fund.

b) The divisions of the proposed amalgamated industrial organisation will be able to act autonomously in relation to financial matters in so far as the divisions do not extend beyond the matters provided for by the rules

c) The management of the property, assets and liabilities of the proposed amalgamated industrial organisation will be undertaken by the Management Committee Queensland ("MCQ"), together with the committees of management of the divisions, with the respective committees of management of the divisions being responsible for management of the property, assets and liabilities attached to the respective divisional funds.

21. Employees

a) The proposed amalgamated industrial organisation will have the authority under its rules to appoint employees and/or agents as are necessary in

the view of the MCO to service the needs of the MCO in performing its obligations pursuant to the Part A rules.

b) The respective management committees of the divisions of the proposed amalgamated industrial organisation will be able to appoint employees and/or agents as are necessary in the view of their respective management committees to service the needs of the respective divisions

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22. Existing Agreement and Awards

a) All existing agreements and awards of the CFMEUQ and the BLF will be binding on the proposed amalgamated industrial organisation.

23. Pending Proceedings

a) The proposed amalgamated industrial organisation will be a party to any pending proceedings to which the CFMEUQ or the BLF are presently parties

24. Auditor

a) It is proposed that the auditor for:

i) the proposed amalgamated industrial organisation will be the auditor of the CFMEUQ;

ii) the Construction and General division will be the current auditor of the CFMEUQ, and

iii) the Mining, Energy and Ports District will be the current auditor of the Mining, Energy and Ports District.

25. Elections

a) The rules of the proposed amalgamated industrial organisation provide that officers of the CFMEUQ or the BLF (an "existing officer"), who are translated into office in the proposed amalgamated industrial organisation, cannot hold office in the proposed amalgamated industrial organisation without an ordinary election for more than the longer of

i) an existing officer's unexpired term of office on the day immediately preceding amalgamation day; or

ii) 2 years from amalgamation day.

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26. Principles

a) The establishment of the proposed amalgamated industrial organisation is designed to achieve the following objectives:

i) democratic representation of members;

ii) equitable industrial representation of members;

iii) enhanced organisation of members on a geographical, industrial and occupational basis;

iv) the establishment of divisions to retain the industrial identity of the membership, whilst at the same time allowing the members to be part of, and participate in, a larger, more influential and more dynamic union;

v) each division will, within the divisional structure of the union, have extensive power, authority and autonomy which will ensure that the members are involved in determining issues that affect their wages, employment, safety, work rights and conditions of employment; and

vi) the rules of the proposed amalgamated industrial organisation provide that each division will have significant autonomy.

27. Alteration of Rules

a) The rules of the proposed amalgamated industrial organisation, other than divisional rules, may be altered by the MCQ in accordance with the Part A rules.

b) The rules of the divisions may only be altered by the respective committees of management of the divisions in accordance with the rules of the divisions.

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Industrial Relations Act 1999

(No /2013/)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMRUQ5" mentioned in the affidavit of Michael Ravbar affirmed before me on this 31st day of October 2013

Justice of the Peace/Commissioner for Declarations/Lawyer

INDUSTRIAL REGISTRAR
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QUEENSLAND

STATEMENT OF SUPPORT OF THE PROPOSED AMALGAMATION CFMEUQ / BLF

INDUSTRIAL REGISTRAR
16 MAY 2013
QUEENSLAND

CFMEUQ	BLF
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees

The New CFMEUQ

Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

THE NEW UNION

VOTE YES TO AMALGAMATION

✓

THE NEW UNION STRONGER FOR YOU

A Better Deal for Members

As a combined union the CFMEUQ and the BLF will have over 20000 members with the combined resources needed to:

- deliver job security, wages and conditions of employment to members
- deliver fast, efficient service to members
- provide improved training and career opportunities to members
- ensure greater influence when dealing with employers
- ensure membership control over decision making in the union and in the workplace

Better Union Services

By pooling resources at a state level, members will receive better union services and better value for money.

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Unified campaigns can be run on important issues of job security, better deals on superannuation, improved training and career prospects, parental leave, workplace health and safety, anti-discrimination and other workplace issues.

An improved communication system for the provision of information.

A broader range of membership benefits such as no cost or discounted financial and legal advice, membership of the union shopper, enhanced credit facilities, and special offers.

Free training courses on work related issues.

New Structure

Amalgamation does not mean change in the day to day structure of each union.

The new union is made up of 2 industry divisions to reflect the combined membership.

- a Construction and General Division; and
- a Mining, Energy and Forie District.

Members are assigned to the relevant industry division according to the callings followed. Members of the BLF will be assigned to the Construction and General Division.

All members will have the same rights and will have representatives on the various bodies of the new union at the state and industry division levels.

The Process

To ensure integration of the membership is achieved as democratically as possible, transitional rules have been developed which:

- translate the office bearers into the structure of the new union;
- provide for elections for the new union to occur in accordance with the *Industrial Relations Act 1999* (Qld); and
- provide for the first meeting of the new management committees and the management committees of the industry divisions to be held within 3 months following the date of amalgamation.

There is more information about the structure of the new union in the "Outline of Scheme for Amalgamation".

The Yes Ban

Your ballot papers ask only one question – if you support the amalgamation simply place a ✓ in the yes box.

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Voting is secret and anonymous.

Every vote is confidential and the ballot is conducted by an independent body the Electoral Commission Queensland.

After you have filled out your ballot paper place it in the envelope marked "Ballot Paper Only" and seal it. Then put the "Ballot Paper Only" envelope in the "Reply Paid" envelope and post it straight away.

A New Union in 2 Easy Steps

1. Place a ✓ in the Yes Box on your ballot paper.
2. Put it in the "Ballot Paper Only" Envelope and put this envelope in the "Reply Paid" envelope and post it, it's free.

Question for Voters

Do you approve the proposed amalgamation of the:

- Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland; and
- Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees,

in accordance with the scheme of amalgamation, a copy of the outline of which has been sent to you with this Ballot Paper?

✓ Yes

Place a ✓ in the Yes Box

THE NEW UNION STRONGER FOR YOU

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No /2013/)

CERTIFICATE OF EXHIBIT

This is the document marked "[illegible]" mentioned in the affidavit of Michael Kevhar affirmed before me on this 31 day of October 2013.

Justice of the Peace/Commissioner for Declarations/Lawyer

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

PART A RULES



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PART A RULES

A1. NAME

(a) The name of the Union is the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

A2. PRINCIPAL OFFICE

(b) The principal office of the Union is 14-16 Campbell Street, Bowen Hills, or such other place as may be determined by the MCQ.

(c) The meetings of the MCQ will be held at the Principal Office, or such other place as the MCQ determines.

A3. INTERPRETATION

(a) In these Part A rules, unless the contrary intention appears:

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(i) "Act" will mean the Industrial Relations Act 1999;

(ii) "Association" means the Union;

(iii) "Division" means either of the:

(A) State Construction and General Division; or

(B) Mining, Energy and Ports District;

(iv) "Divisional Offices" are the holders of an Office in a Division;

(v) "Financial Statements" means any financial documents that explain the methods and calculations about how the Union's accounts are made up and correctly record and explain the Union's transactions and financial position;

(vi) "Honorary Member" will mean a member of a Division who has applied for and been granted honorary membership in accordance with the rules of that Division;

(vii) "Life Member" will mean a member of a Division who has been appointed as a life member in accordance with the rules of that Division;

(viii) "Management Committee of a Division" means a management committee of a respective Division;

(ix) "MCQ" means Management Committee Queensland;

(x) "Member" will mean:

(A) a Life Member; and

(B) a member of the Union, other than an Honorary or Retired Member, financial in accordance with these Part A rules.

(xi) "Offices of the Union" will consist of:

(A) the Union Offices; and

(B) the Divisional Offices;

(xii) "Quadrennial Elections" means the elections held each 4 years in accordance with the Union Election Procedure Rules;

(xiii) "Principal Office" means the principal office as provided by rule A2;

(xiv) "Retired Member" will mean a member of a Division who has been appointed as a retired member of a Division in accordance with the rules of that Division;

(xv) "Union" means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(xvi) "Union Election Procedures Rules" means rules A28 to A36 inclusive;

(xvii) "Union Journal" means a publication produced, or adopted by, the MCO and which is provided free of charge to Members by means of print and/or electronic media;

(xviii) "Union Office" will mean, the offices of:

(A) Union President;

(B) Union Vice-President;

(C) Union Secretary, and

(D) Union Assistant Secretary;

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(xix) "Union Officers" are the holders of a Union Office;

(xx) "Union Register" means the register of members maintained by the Union Secretary in accordance with rule A11;

(xxi) "Union Register of Officers" means the register of officers of the Union maintained by the Union Secretary in accordance with these Part A rules.

A4 INTERPRETING THE RULES OF THE UNION

(a) In these Part A rules:

(i) a reference in the performance of a duty by an officer is inclusive of a reference to the officer causing the duty to be discharged

and/or inclusive of the duty being discharged by any other officer holding the written delegation of the relevant officer or the MCO;

(ii) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(iii) where the last day of any period prescribed or allowed by these Part A rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iv) the singular includes the plural and the plural includes the singular;

(v) a reference to a Division's callings is a reference to those callings contained in the Union's registered callings which respectively relate to the Division concerned in accordance with these Union rules;

(vi) a reference to a statute includes any:

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(A) statute amending, consolidating or replacing the statute; and

(B) regulation made under the statute as that regulation is in force from time to time;

(vii) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced;

(viii) headings will not be taken into account in interpreting these Part A rules;

(ix) a reference to a "rule" is, unless the context clearly indicates otherwise, a reference to a rule of these Part A rules;

(x) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(xi) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xii) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part A rules and that schedule is a part of these Part A rules;

(xiii) a reference to "administrative regulations", unless the context clearly indicates otherwise, is a reference to administrative

regulations to these Part A rules and those administrative regulations are a part of these Part A rules;

(xiv) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June in the year next following;

(xv) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

(xvi) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm.

(b) A reference in a Schedule to these Part A rules to the 'rules' is a reference to these Part A rules and all words and phrases in the Schedule have the same meaning as those words and phrases have in these Part A rules.

(c) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows:

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(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the Construction and General Division;

(iii) Part C – the rules that provide for the Mining, Energy and Ports District;

(iv) a reference to one of these parts is a reference respectively to parts (i) to (iii);

(v) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(vi) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vii) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(viii) a reference to Divisional rules is a reference to the rules of the Divisions;

(ix) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules; and

(x) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules.

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A5. OBJECTS

(a) The objects of the Union are to:

(i) enrol in the Union persons eligible to be members;

(ii) advance the interests of members and secure appropriate classification structures with appropriate rates of pay that adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

(iii) ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system;

(iv) ensure that rates of pay and other provisions in awards adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

(v) advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies;

(vi) provide legal protection for members with respect to industrial and work injury related matters;

(vii) assist members in the event of unemployment, sickness, injury, mortality or industrial dispute;

(viii) establish Divisions, Branches, Lodges and Sections of the Union and organise members into divisions, sub-branches, lodges and sections throughout Queensland;

(ix) publish or contribute to the publication of a Union Journal, newspaper or other media;

(x) assist in the establishment and maintenance, or to contribute to the establishment and maintenance of, a labour journal, newspaper and/or other media;

(xi) advance the living and working conditions of workers and their families, and to assist kindred unions and other bodies having objects similar in whole or in part to the objects of the Union;

(xii) advance the living and working conditions of workers and independent contractors, whether individually or as a whole, in the construction industry;

(xiii) assist and advance the conditions of members who have retired;

(xiv) affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association, any political party or any other organisation having objects similar in whole or in part to the objects of the Union;

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(xv) hold, purchase, lease, mortgage, sell or otherwise deal in property;

(xvi) make financial provision for the carrying out of the objects;

(xvii) 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, social or other legislation;

(xviii) secure preference of employment for unionists generally and for financial members;

(xix) establish and maintain, or to contribute to the establishment and maintenance of, an employment bureau for financial members;

(xx) contribute to any charitable or public benevolent institution;

(xxi) constitute, conduct, carry on and manage clubs, holiday and rest centres for the benefit of financial members and their families;

(xxii) co-operate and maintain contact with members, other unions, labour bodies and socially responsible organisations in Queensland, Australia and overseas;

(xxiii) be involved in socially responsible actions as part of the wider community in Queensland, Australia and overseas;

(xxiv) bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises;

(xxv) organise the education of financial members;

(xxvi) promote the policy of equality of status and opportunity for all financial members;

(xxvii) promote the employment of women in industries and enterprises falling within the eligibility of the Union;

(xxviii) increase the number of female members;

(xxix) encourage the participation by women in union activities and decision making bodies;

(xxx) adopt, promote and implement family friendly policies for members, Union employees and officials;

(xxxi) increase the number of women employed by the Union;

(xxxii) ensure there is equal employment and career path opportunity for women employed by the Union;

(xxxiii) establish a fund from which to provide retiring allowances to full time officers and employees of the Union or its Divisions.

(xxxiv) establish and administer trust funds (the "Trust Funds") for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxv) contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

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(xxxvi) transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxvii) pursue such other objects as the Divisions may determine;

(xxxviii) enter into contracts and agreements for the purpose of carrying out the objects of the Union; and/or

(xxxix) do all such things as may be necessary or incidental to the carrying out of the objects of the Union.

(b) None of the objects expressed in sub-rule (a) are to be read in such a way as to limit any other of those objects.

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A6 POWERS

(a) The Union has in achieving its objects all the powers of an individual.

(b) Without limiting the powers expressed in sub-rule (a), the Union will achieve its objects by the application of all lawful means available to it including, without limitation, industrial, political and legal.

(c) Without limiting the powers expressed in sub-rule (a), the Union will provide the funds and resources as necessary to achieve and further its objects, and any expenditure out of the funds of the Union to achieve or further an object of the Union is an ordinary expense of the Union.

A7. ELIGIBILITY

SECTION A

(a) 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.

(b) 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, lancas and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) 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.

(ii) 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.

(iii) 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 of prefabricated building and structure as aforementioned.

(iv) 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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(v) 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.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distemparing, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering

(vii) Signwriting, designing and/or lettering of price tickets and showcards.

(viii) 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.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) 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 will 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 varnishes, 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 enamels, 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.

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(xii) 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

(c) Nothing in this Section A rule will make eligible for membership any employees 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 Trades Employees Industrial Agreement

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sections of the sugar industry shall not be eligible to become a member of the union

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades. Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets,

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woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholsterers, new and second-hand carpet, drapery, table and lampshade hands, flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hylex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers mobile crane drivers, forklift 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.

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Provided that mobile crane drivers, operators of fork lifts and/or low-loaders 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.

Provided further that, notwithstanding the foregoing provisions of this Section B 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.

(b) 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.

(c) Notwithstanding any other provision in this Section B rule, 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 association

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership.

SECTION C

(a) 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

(f) 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

SECTION D

The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed

on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a driller on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof.

Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000

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AB. DIVISIONS

(a) The Union will be divided into Divisions to which the membership will be attached in accordance with these Part A rules.

(b) Divisions may be established on the basis of geographical location, industry, occupation or other basis as the MCO considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCO, provided that any proposal to alter the number of Divisions, that may exist from time to time, requires the unanimous consent of the members of the MCO, before any amendment to these rules can occur.

(d) Each Division has autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(i) the industrial interests of the members attached to the Division;

(ii) the election of officers of the Division;

(iii) attaining or furthering the objects of the Union;

(iv) structure of the Division.

(e) Each division has autonomy in relation to the funds and property held in the Divisional Fund of the Division.

(f) Each Division has rules and has the power to make, alter or rescind the rules of the Division.

(g) A Division has power to determine policy for that Division, not inconsistent with the rules of the Union.

(h) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are

attached has the power to determine the policy of the Union on that matter

(i) Divisions may in accordance with their rules, be divided into branches along a geographic, occupational or industry basis and the members of the Division will be attached to the branches.

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A9. ATTACHMENT OF MEMBERS TO DIVISIONS

(a) A member will only be attached to one Division.

(b) Those members who will be attached to the District are those that are eligible for membership pursuant to

(i) section B of rule A7 who are:

(A) engaged in or in connection with the Coal and Shale Industry;

(B) engaged in or in connection with the Mining or Exploration Industries;

(C) engaged as employees or as employees of contractors, in or in connection with the following industries.

(1) power generation, co-generation, transmission and distribution;

(2) oil,

(3) gas;

(4) nuclear; and/or

(5) chemical production, and/or

(D) elected or appointed as a paid officer of the District or whilst a financial member of the District is elected as a representative of any working class organisation to which the District is affiliated or as a working class member of Parliament; or

(ii) section C of rule A7.

(c) Those members who are not attached in accordance with sub-rule (b) will be attached to the Construction and General Division.

(d) Each member will be notified of the Division to which the member is attached.

(e) A member who is otherwise eligible for membership of the Union but who has been attached to the wrong Division

(i) will be promptly transferred to the correct Division; and

(ii) for the purpose of continuity in the Division to which they are transferred the period of membership in the Division from which they are transferred will be taken as a period of membership in the Division to which they are transferred.

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(f) Any dispute as to the attachment of a member will be resolved in accordance with rule A49.

(g) Every Member who is attached to a Division will be treated for all purposes as a financial member of that Division and is entitled to all the rights, and required to comply with all the obligations of a Member of the respective Division.

A10 ADMISSION TO MEMBERSHIP

(a) A person admitted to membership of a Division in the manner provided for in the relevant Divisional rules becomes on, and from, the date of admission to the Division a member of the Union.

(b) The Secretary of a Division will promptly advise the Union Secretary of

(i) the admission to membership of new members of the Division; and

(ii) the particulars relating to the new members admitted which are required for the completion of the Union Register.

(c) The information required to be provided pursuant to sub-rule (b) may be provided electronically.

(d) Candidates for membership will be informed in writing of the:

(i) financial obligations arising from membership, and

(ii) circumstances, and the manner, in which a member may resign from the Union.

(e) The Union Secretary may, by agreement with a Divisional Secretary, discharge the obligation provided by sub-rule (d) by providing the information required by sub-rule (d) in conjunction or jointly with the Division.

A11. REGISTER OF MEMBERS/REGISTER OF OFFICERS

(a) The Union Secretary will keep a register containing, as far as the Union Secretary is able to determine, and arranged in accordance with membership of the Divisions, the following information in relation to members, their:

(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) financial status;

(vi) date of admission;

(vii) date of resignation, and

(viii) any other information required by the Act.

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(b) The Union Secretary will update the Union Register as necessary.

(c) The Union Register is, in the event of a member failing to notify any change of their member information pursuant to this rule, conclusive proof for the purposes of these Part A rules of the matters set out in the Union Register.

(d) The Union Secretary will keep a register of Officers of the Union which will contain:

(i) the names;

(ii) the offices held; and

(iii) the addresses,

of the Officers of the Union.

(e) The Union Secretary will update the Register of Officers as necessary.

A12. ENTRANCE FEES

(a) A Division may impose a requirement to pay entrance fees in accordance with the Division's rules.

(b) No Member is required to pay an entrance fee to the Union other than as provided by sub rule (a).

A13. SUBSCRIPTIONS

(a) A Division may impose a requirement on its members to pay subscription fees to the Division in accordance with the Division's rules.

(b) No Member is required to pay subscription fees to the Union other than as provided by sub-rule (a).

A14. LEVIES

(a) A Division may impose a requirement on its members to pay a levy in accordance with the Divisions rules.

(b) No member is required to pay a levy to the Union other than as provided by sub-rule (a)

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A15. UNFINANCIAL MEMBERS

(a) A member of a Division who is, in accordance with the Divisional rules, an unfinancial member of the Division is also on, and from, the date of becoming an unfinancial member of the Division an unfinancial member of the Union

(b) An unfinancial member, may at the direction of the MCQ, be purged from the Union Register, provided that an unfinancial member of a Division who is purged from the membership of the Division must be promptly purged from membership of the Union

(c) Nothing in this rule prevents the recovery by the Union of any monies that may be due to, and recoverable by, the Union.

(d) Nothing in this rule prevents the recovery by a Division of any monies that may be due to, and recoverable by, the Division.

A16. RIGHTS OF FINANCIAL MEMBERS

(a) Only Members may, subject to any other requirement of these rules:

(i) attend at any meeting of the Union held pursuant to these Part A rules;

(ii) move, or second, a resolution of the Union permitted to be moved by these Part A rules;

(iii) speak to any resolution at a meeting of the Union held pursuant to these Part A rules;

(iv) exercise a vote in any ballot, or plebiscite, held pursuant to these Part A rules;

(v) move, or second, a nomination for a Union Office;

(vi) nominate for a Union Office, and

(vii) hold any Union Office.

(b) Despite sub-rule (a) the rights that a Member of the Union can exercise in relation to the Division to which they are attached are the rights provided to Members of the respective Division by the rules of that Division.

(c) Sub-rule (a) does not provide any right or entitlement to a member of one Division to participate in the affairs of the other Division.

(d) Life Members may only exercise the rights, in relation to the respective Division to which they are attached, as are provided to life members of the respective Division by the rules of that Division.

(e) Honorary Members may only exercise the rights, in relation to the respective Division to which they are attached, and as are provided to honorary members of the respective Division by the rules of that Division.

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(f) Retired Members may only exercise the rights, in relation to the respective Division to which they are attached, as are provided to retired members of the respective Division by the rules of that Division.

A17. RECOVERY OF ARREARS

(a) All claims for monies due, or owing, to the Union pursuant to these Part A rules by a member may be sued for, and recovered in, the name of the Union by the Union Secretary.

(b) All monies that may be due, or owing, to a Division pursuant to the rules of the Division may be recovered by the Secretary of the respective Division suing in the name of the Union.

(c) Monies recovered in accordance with sub-rule (b) will be attributed to the Divisional Fund of the respective Division that recovers the monies.

A18. RESIGNATION

(a) A member may resign from membership of the Union by notice given to the Union stating that the member resigns from the Union

(b) The resignation takes effect:

(i) if the notice states a day or time after the notice is given when the resignation takes effect, on the day or time; or

(ii) otherwise, when the notice is given.

(c) A member who resigns from membership of the Union also resigns on, and from that date, from the membership of the Division to which they were attached

(d) The Union Secretary will promptly notify the Divisional Secretary of the respective Division of the resignation of the member concerned

(e) A member who resigns from membership of a Division also resigns, on and from that date, from the membership of the Union

(f) The Divisional Secretaries will promptly advise the Union Secretary of the names of members of their Division who resign and the date of their resignation.

(g) Resignation does not affect the liability of a member, or former member, to pay any monies that were owing by the member at the date of resignation to the Union or to the Division to which the member was attached, and such monies may be sued for and recovered in accordance with these Union rules.

(h) A member resigning from the Union, who has complied with the rule, may request to be issued with a clearance certificate by the Union Secretary.

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A19. UNION COUNCIL

(a) There will be a Union Council which is comprised of the members of the Management Committees of the respective Divisions.

A20. POWERS OF THE UNION COUNCIL

(a) The Union Council has the power to:

(i) make recommendations to the MCO concerning the resolution of disputes, other than disputes about the attachment of members, between the Divisions;

(ii) make recommendations to the MCO as to whether or not officers are to be removed from office in accordance with these Part A rules.

A21. MEETINGS OF THE UNION COUNCIL

(a) A meeting of the Union Council will be convened by the Union Secretary when required to do so by these Part A rules.

(b) The Union Secretary will give 10 days notice of a meeting of the Union Council.

(c) The notice for a meeting of the Union Council must set out the business sought to be dealt with at the meeting.

(d) Only the business set out in the notice for the meeting of the Union Council is able to be dealt with at the meeting.

(e) The Union Secretary will provide to the members of the Union Council:

(i) notice of the meeting;

(ii) notice of the business to be dealt with at the meeting; and

(iii) associated papers.

(f) Notice of the meeting may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS;

(v) by any other electronic or telegraphic means as may be available, and/or

(vi) orally

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(g) Meetings of the Union Council are to be conducted as meetings of persons assembled.

(h) Meetings of the Union Council will be held at the principal office of the Union unless the MCQ determines otherwise.

(i) The Union President will chair meetings of the Union Council, however if the Union President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the Union Vice-President will act as the chair of the meeting with all the powers of the Union President and if the Union Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the Union President.

(j) The quorum for meetings of the Union Council is:

(i) ½ of the members plus 1 of the Union Council; and

(ii) at least ½ of the members of each Divisional Management Committee.

(k) The members of the Union Council have a deliberative vote at meetings of the Union Council as follows:

(i) each Division may at each meeting exercise 10 votes; and

(ii) each member of the management committee of a Division in attendance at the meeting will exercise a vote based on the formula:

(10 ÷ Number of members of the management committee of a Division in attendance at the meeting)

(l) The Union President is not entitled to exercise a casting vote.

(m) A member of the Union Council not able to attend a meeting of the Union Council, of which notice has been given in accordance with these Part A rules, must make a request for leave of absence to the Union Secretary.

(n) A member of the Union Council not complying with sub-rule (m) may be fined by the MCQ an amount not exceeding $500 or be otherwise disciplined in accordance with these Part A rules

A22. MANAGEMENT COMMITTEE QUEENSLAND

(a) The MCQ will consist of the Union Officers

(b) The MCQ is the management committee of the Union.

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A23 POWERS OF THE MCQ

(a) Without limiting any other power expressly granted by these rules, or subject to rule (b), the powers of the MCQ, subject to Rule A48 include the power to:

(i) further and attain, the objects of the Union for the general benefit of Members;

(ii) direct the policy of the Union in all matters affecting the interests of the members of the Union;

(iii) establish any special fund to achieve any of the objects of the Union;

(iv) submit any matter to the Members for decision by plebiscite;

(v) submit any matter to the Divisions for decision;

(vi) resolve, in accordance with these Part A rules, disputes between the Divisions in relation to the attachment of members;

(vii) expend such money from the Union Fund as may, in its opinion, be necessary to achieve the objects of the Union; and

(viii) do all other such acts and things as are incidental to the carrying out of the objects of the Union.

A24. MEETINGS OF THE MCQ

(a) The MCQ will meet at least twice per year.

(b) Sub-rule (b) does not prevent the MCQ from meeting as often as it determines.

(c) The Union Secretary will, subject to sub-rule (e) convene meetings by giving the members of the MCQ not less than 10 days notice of a meeting.

(d) Notice of meetings may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail,

(iv) SMS, and/or

(v) by such other electronic or telegraphic means as may be available

(e) Where the Union President or the Union Secretary consider that a matter requires urgent attention the Union Secretary will call a meeting of the MCQ.

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(f) In calling a meeting, when a request is made pursuant to sub-rule (e), the Union Secretary will give such notice of the meeting, in accordance with sub-rule (d) and/or orally, as is practicable in the circumstances and the meeting may be conducted:

(i) by telephone, radio or any other method by which members of the MCQ are able to communicate with each other without being physically present; or

(ii) a ballot of the MCQ by means of registered post, facsimile transfer, E-mail or by other electronic or telegraphic means as may be available, provided that

(A) in any such ballot of the MCQ, all the members of MCQ must exercise a vote to constitute quorum; and

(B) in any such ballot of the MCQ, decisions will be by % majority of the votes cast; and

(C) the ballot must be completed within 10 days of the day the Union Secretary forwards the ballot.

(g) The Union President will chair meetings of the MCQ, however if the Union President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the Union Vice-President will act as the chair of the meeting with all the powers of the Union President and if the Union Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the Union President.

(h) % of the members of the MCQ will form a quorum.

(i) Each member of the MCQ is entitled to cast one vote in any ballot. In the event of a tied vote there will be no casting vote and the resolution will be lost.

A25 MINUTES

(a) The minutes of each meeting of the MCQ will be prepared by the Union Secretary and forwarded to each member of the MCQ.

(b) Upon confirmation, at the next meeting of the MCQ, the minutes will be signed by the Union President.

(c) A copy of the minutes of each MCQ meeting, as the case may be, will, upon their being confirmed be:

(i) available for inspection by Members during business hours; and

(ii) provided to the Divisional Secretaries.

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A26. ELECTIONS

(a) Elections for the Union Offices will, on and from, 2016 and every 4 years thereafter, be conducted in accordance with the Union Election Procedure Rules

(b) Only members of a management committee of a Division may, in accordance with these Part A rules, nominate for a Union Office to which they are otherwise entitled to nominate in accordance with these Part A rules.

(c) In the elections to be held in 2020, and each eighth year thereafter, the Union Offices will be filled as follows:

(i) Union President – to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management;

(ii) Union Vice- President– to be elected by, and from, the members of the Construction and General Division State Committee of Management;

(iii) Union Secretary– to be elected by, and from, the members of the Construction and General Division State Committee of Management, and

(iv) Union Assistant Secretary– to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management

(d) In the elections to be held in 2016, and each eighth year thereafter, the Union Offices will be filled as follows:

(i) Union President – to be elected by, and from, the members of the Construction and General Division State Committee of Management;

(ii) Union Vice- President– to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management,

(iii) Union Secretary– to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management, and

(iv) Union Assistant Secretary– to be elected by, and from, the members of the Construction and General Division Committee of Management.

(e) Persons nominating for a Union Office must have their nomination moved by a member of the management committee of the Division of which they are a member, and seconded by another member of the management committee of that Division.

(f) Only members of the management committee of the respective Division, from which a person nominates pursuant to sub-rule (b), may vote in any ballot for the election concerned.

(g) The holder of a Union Office will be entitled to nominate for re-election to a Union Office if they are otherwise eligible in accordance with these Part A rules.

(h) If a Union Officer ceases to hold office on the management committee of the Division to which they are attached then their office on the MCC becomes vacant from the date they have ceased to hold office.

A27 ELECTION PROCEDURE DEFINITIONS

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(a) Definitions:

(i) "ballot box" means a ballot box kept under rule A30;

(ii) "candidate", for an election pursuant to these Part A rules, means a person:

(A) who has nominated as a candidate for the office the election is about; and

(B) whose nomination has been accepted pursuant to these Union Election Procedure Rules; and

(C) whose nomination has not been withdrawn;

(iii) "election" in these Union Election Procedure Rules means an election for a Union Office;

(iv) "initialled" by the Manager includes being marked with a facsimile of the Manager's initials;

(v) "Manager" means the manager of a Union election and is:

(A) the electoral officer conducting the election or ballot held pursuant to these Part A rules; or

(B) if an exemption has been given under section 587 of the Act the returning officer appointed under section 589 of the Act to conduct the election;

(vi) "nominator" means the person who, in accordance with these Part A rules, may propose or second a nomination of a Candidate.

(vii) "scrutineer" means:

(A) a Candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a Candidate pursuant to these Union Election Procedure Rules;

(viii) "Voter" means a person who is entitled to vote in an election conducted pursuant to rule A26.

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A28. MANAGER OF ELECTION—FUNCTIONS AND POWERS

(a) The Manager:

(i) must not influence, or attempt to influence, the outcome of the election; and

(ii) must conduct the election under these Union Election Procedure Rules except where these Part A rules expressly provide otherwise, and

(iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent.

(b) The Manager may take the action, and give the directions, the Manager considers reasonably necessary:

(i) to ensure no irregularities happen in the election; or

(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

A29. BALLOT PAPERS

(a) A ballot paper for the election must

(i) have a distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager;

(ii) be a different colour from the colour used for ballot papers at the 2 previous elections held for Union Officers.

(iii) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names;

(iv) state how the Voter may vote.

(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way

A30. MANAGER MUST KEEP A BALLOT BOX

(a) The Manager must in relation to each election maintain a ballot box and:

(i) keep the box in a safe place; and

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(ii) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes;

(B) prevents voting material from being taken from it until votes for the ballot are to be counted; and

(C) prevents the identification of Voters.

A21. ELECTIONS FROM MANAGEMENT COMMITTEES OF THE DIVISIONS

(a) Each Union Officer will be elected by a collegiate electoral system.

(b) The Electoral College will, in relation to the above offices, be the management committees of the respective Divisions.

(c) A manager of the election will be appointed and the Manager will be subject to the provisions of these Union Election Procedure Rules.

(d) The Manager will call for nominations from among members of the Electoral College subject to these rules, by written notice to each member of the management committees of the respective Divisions.

(e) A person may not nominate for more than 1 of the Union Offices.

(f) Nominations will be in writing, signed by the candidate and seconded in accordance with these Union Election Procedure Rules and will be delivered to the Manager prior to the commencement of the first meetings of the management committees of the respective Divisions next following 7 January in the year following the election of the Construction & General Division (for the purposes of this rule the "Meetings")

(g) If the Manager finds that a nomination is defective, the Manager will, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

(h) The Manager will notify each member of the relevant part of the Electoral College of the opening and closing time of the ballot which will be conducted at the meeting.

(i) If at the close of nominations, only the required number of nominations have been received for the offices, the Manager will declare such Candidates as elected.

(j) If there are more than the required number of Candidates for an office from one of the Divisions, the Manager will conduct at the Meetings an election by secret ballot of the members of the relevant part of the Electoral College.

(k) The ballot will be determined by means of a first past the post system of voting.

(l) Any Candidates may in accordance with the Union Election Procedure Rules appoint a scrutineer.

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(m) The Manager will prepare ballot papers in accordance with the Union Election Procedure Rules

(n) The Manager will initial and hand to each member of the relevant part of the Electoral College a ballot paper.

(o) The members of the Electoral College of the respective Division, whilst at the Meeting, will cast a vote by placing a cross or other mark against the name of the Candidate the Voter wishes to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager.

(p) Any member who will not be present at the Meeting of the respective Division at which the ballot is to be held may:

(i) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager will not declare the result of the ballot until such member has been given reasonable opportunity to vote; or

(ii) appoint another member of the Electoral College attached to their respective Division to vote as their proxy and such appointed member will be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote

(q) The Manager will count the votes in accordance with these Union Election Procedure Rules

(r) The Candidate securing the highest number of votes will be declared elected.

(s) The Manager will declare the results of ballots in writing to the members of the Electoral College as soon as practicable.

A32 COUNTING VOTES

(a) To count votes the Manager must:

(i) admit the formal votes and reject the informal votes;

(ii) count the formal votes; and

(iii) count the informal votes.

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic;

(ii) the ballot paper is marked in a way that allows the Voter to be identified; or

(iii) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote.

A33. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

(b) A decision pursuant to sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

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A34. SCRUTINEERS

(a) Each Candidate may have only 1 scrutineer exercising a right under this rule.

(b) A Candidate may:

(i) act personally as a scrutineer; or

(ii) appoint another person (an "appointee") as a scrutineer for the Candidate.

(c) An appointment must be in writing and signed by the Candidate.

(d) A Candidate must notify the Manager of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

(e) The Manager may refuse to allow an appointee to act as a scrutineer if:

(i) the Manager asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

(f) Subject to sub-rule (k), a scrutineer may be present when:

(i) ballot papers or other voting material for a ballot are prepared and given to voters; and

(ii) votes are counted.

(g) Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

(h) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager; or

(ii) advise the Manager that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(i) If a scrutineer advises the Manager under sub-rule (g) or (h), the Manager must:

(i) decide whether the error has been made; and

(ii) if appropriate—direct action to correct or mitigate the error.

(j) If a scrutineer objects under sub-rule (h), the Manager must

(i) decide whether the ballot paper is to be admitted or rejected; and

(ii) note the decision on the ballot paper and initial the note.

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(k) Direction by Manager to leave count

(i) The Manager may direct a person to leave the place where votes are being counted if the person:

(A) does not have the right to be present at the count; or

(B) interrupts the count, other than to exercise a scrutineer's right.

A35. TAKING OFFICE

(a) The persons declared elected by the Manager, within the meaning of the Union Election Procedure Rules, will hold office on, and from, 1 February in the year of their election.

(b) A person elected to a Union Office will retain that office until a successor is duly elected unless the Union Officer dies, resigns or is otherwise removed from office in accordance with these Part A rules.

A36. CASUAL VACANCIES

(a) Should a casual vacancy occur in any of the offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy will be filled by election in accordance with the Union Election Procedure Rules.

(b) Should a casual vacancy occur in any of the offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy will be filled by the MCQ.

(c) Where a casual vacancy is to be filled in accordance with sub-rule (b) then the MCQ will request of the respective Division to which the member of the MCQ, who has died, retired, resigned or been removed was attached, to provide a candidate, otherwise eligible in accordance with these Part A rules, suitable to fill the casual vacancy.

(d) The MCQ will appoint the candidate, provided in accordance with sub-rule (c) to the casual vacancy.

(e) Until the election to fill a casual vacancy pursuant to sub-rule (a) is held the MCQ has the power to appoint a Member of the respective Division to which the member of the MCQ, who has died, retired, resigned or been

removed was attached to act in the casual vacancy until an election is held and a candidate elected.

(f) A Member appointed or elected to fill a casual vacancy pursuant to this rule only holds office for the same period as the officer that they have replaced could have held that office

(g) A Member appointed pursuant to sub-rule (e) has the right to nominate in the election to fill the casual vacancy pursuant to this sub-rule.

(h) The Union Secretary will cause the necessary steps to be taken for the conduct of the election pursuant to the Union Election Procedure Rules

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A37. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The offices of the Union (the "state offices") that correspond with the offices of the Counterpart Federal Body (the "federal offices"), due to the state office being similar to the federal office, are as follows:

federal office	state office
The CFMEU, M&E Division, Qld District Branch (for this rule the "Qld District")	The Mining, Energy and Ports District
Qld District President	District President
Qld District Executive Vice-President	District Executive Vice-President
Qld District Vice-President	District Vice President
Qld District Secretary	District Secretary
Qld District Central Councillor	District Councillor
Qld District Board Member	District Representative
Qld District Lodge Delegates	District Lodge Delegates
Qld District District Union Inspectors	District Union Inspectors
Qld District Lodge Committee Members Lodge Committee Members	Lodge Committee Members

The CFMEU, Qld Construction Workers Divisional Branch	The State Construction and General Division
Qld & NT Construction Workers Divisional Branch President	State Divisional President
Qld & NT Construction Workers Divisional Branch Senior Vice-Presidents (2)	State Divisional Senior Vice-Presidents (2)
Qld & NT Construction Workers Divisional Branch Vice-President (Construction Workers Divisional Branch)	State Divisional Vice-President (State Division)
Qld & NT Construction Workers	State Divisional Vice-President

Divisional Branch Vice- President	
Qld & NT Construction Workers Divisional Branch Secretary	State Secretary
Qld & NT Construction Workers Divisional Branch Assistant Secretary (Plasterers)	State Divisional Assistant Secretary (Plasterers)
Qld & NT Construction Workers Divisional Branch Assistant Secretary (Painters)	State Divisional Assistant Secretary (Painters)
Qld & NT Construction Workers Divisional Branch Assistant Secretary (other than Qld & NT Construction Workers Divisional Branch Assistant Secretary (Plasterers) and Qld & NT Construction Workers Divisional Branch Assistant Secretary (Painters))	State Divisional Assistant Secretary
Qld & NT Construction Workers Divisional Branch Management Committee Member – South East Queensland	State Divisional Council Member – South East Queensland
Qld & NT Construction Workers Divisional Branch Management Committee Member – Regional Queensland	State Divisional Council Member – Regional Queensland
Honorary President of the Qld, NT and WA District of the Number 1 Branch of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU	State Divisional Council Member
Qld & NT Construction Workers Divisional Branch Organisers	State Divisional Organisers
Qld & NT Divisional Branch Executive Member	Member of the State Divisional Executive (Council)
Qld & NT Divisional Branch Executive Member	Member of the State Divisional Executive (Non-Council)

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(b) The Union Secretary will

(i) make application for exemption from holding an election as soon as practicable following the declaration of a relevant election, held under the Fair Work (Registered Organisations) Act (Cth) (the "federal election") for the Counterpart Federal Body; and

(ii) notify the membership of the Union or of a Division, as the case may be, of the making of the application for exemption, by means of a publication circulated to the relevant members free of charge; and

(iii) seek, in the making of an application for exemption, that a state office be filled by a person elected in the relevant federal election to the federal office that corresponds, as provided by this rule, with the state office.

(c) In the event of the exemption not being granted, or being only partially granted, the Union Secretary will forthwith proceed to file the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to these Union rules.

(d) Without limitation to sub-rule (b) the Secretary of a Division may request that the Union Secretary take such steps as may be required in accordance with these Part A rules to make application for an exemption from election ballot.

(e) A Divisional Secretary will take such steps and do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot in accordance with these Part A rules.

(f) In the event of the exemption not being granted, or being only partially granted, a Divisional Secretary will promptly ensure the filing by the Union Secretary of the prescribed material required to be filed in relation to the holding of an election or a relevant election, as the case may be, pursuant to the Part B or C rules.

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A38 UNION PRESIDENT

(a) The Union President will, subject to these Part A rules, preside at all meetings of the:

(i) MCQ; and

(ii) Union,

convened pursuant to these Part A rules.

(b) The office of Union President is honorary

(c) The Union President will work with the other members of the MCQ to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union

A39. UNION VICE-PRESIDENT

(a) The Union Vice-President will:

(i) in the absence of the Union President; or

(ii) on the written request of the Union President,

act as the President or discharge the functions of the office of President

(b) The office of Union Vice-President is honorary

(c) The Union Vice-President will work with the other members of the MCQ to achieve the

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union

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A40. UNION SECRETARY

(a) The Union Secretary will:

(i) keep all records of the Union required to be kept in accordance with these Part A rules;

(ii) collect fees and levies owing to the Union in accordance with these Part A rules;

(iii) collect all rents and other monies owing to the Union in accordance with these Part A rules;

(iv) promptly deposit all monies received on behalf of the Union in accordance with these Part A rules;

(v) administer the Union on a day to day basis in accordance with these Part A rules;

(vi) submit to each ordinary meeting of the MCQ an abstract of:

(A) monies received by the Union in accordance with these Part A rules; and

(B) accounts for payment to be made by the Union in accordance with these Part A rules;

(vii) prepare the Union's annual financial statement;

(viii) on leaving office, deliver up all books, documents, and property of the Union held in accordance with these Part A rules to their successor;

(ix) be the officer to sue on behalf of the Union for any matters arising in accordance with these Part A rules;

(x) perform such other duties and functions as the MCQ may direct;

(xi) appoint, and terminate, employees, contractors and/or agents to, and of, the Union required for the purposes of fulfilling the obligations of the Union that arise in accordance with these Part A rules;

(xii) manage and co-ordinate the activities of the employees, contractors and/or agents to, or of, the Union in accordance with these Part A rules;

(xiii) ensure that notice of meetings is provided and minutes are maintained in accordance with these Part A rules; and

(xiv) maintain the Union Register.

(b) The Union Secretary will ensure the Union is represented, as required by these Part A rules, in relation to all relevant hearings before:

(i) Commissions;

(ii) Tribunals;

(iii) Boards; and/or

(iv) Courts.

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(c) The Union Secretary will work with the other members of the MCQ to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

A41. UNION ASSISTANT SECRETARY

(a) The Union Assistant Secretary will carry out the duties of the Union Secretary during the Union Secretary's absence.

(b) The Union Assistant Secretary will assist the Union Secretary in performing the Union Secretary's duties and will perform such duties as the Union Secretary delegates.

(c) The Union Assistant Secretary will perform such other duties and functions as the MCQ may direct.

(d) The Union Assistant Secretary will work with the other members of the MCQ to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

A42. RETURNING OFFICER

(a) The MCQ will, at its first meeting held immediately following Union Officers taking office in the Quadrennial Elections, appoint a Returning Officer.

(b) The Returning Officer will not be:

(i) a member of; or

(ii) the holder of any office in; or

(iii) be an employee of,

the Union.

(c) In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a Candidate in any election under these rules, the MCQ will terminate the appointment, and appoint a replacement for the balance of the term to which the Returning Officer who is being replaced was appointed.

(d) The Returning Officer will be responsible for the conduct of all ballots for the Union held pursuant to these Part A rules, except where an election for an office must be conducted by the Electoral Commission Queensland.

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A43. CAPITATION FEES

(a) For the purpose of this rule:

(i) "Capitation Rate" is the rate determined by the MCQ;

(ii) "Capitation Fee", in relation to the relevant financial year and in relation to each Division, will be the amount calculated in accordance with sub-rule (b); and

(iii) "Capitation Number" is the number of financial members of a Division, determined in accordance with the rules of that Division, as at the 1st January in each year.

(b) The Capitation Fee for each Division is calculated by multiplying the Capitation Number by the Capitation Rate

(c) Divisions will pay the Capitation Fee on at least a quarterly basis.

(d) A Division that has Capitation Fees in arrears for more than 2 years is unfinancial and

(i) Union Officers elected by, and from, that Division are not entitled to continue to exercise the function of the Office to which they have been elected and the remaining members of the MCQ will exercise all the powers provided by these Part A rules;

(ii) a member of Union Council elected by, and from, that Division is not entitled to continue to exercise the functions of the Office to which they have been elected and the remaining members of the Union Council will exercise all the powers provided by these Part A rules;

(iii) rules A21(g) and A24(h) do not apply and quorum will be comprised of 50% of the members of respectively the Union Council and the MCQ who remain entitled pursuant to this rule to exercise the function of the respective office.

A44. EXECUTION OF DOCUMENTS / CHEQUES / NOTIFICATION OF DISPUTES

(a) Documents required to be executed by an officer of the Union pursuant to these Part A rules will, subject to these Part A rules, be executed by any 2 of the Union Officers.



(b) Any two of the Union Officers, may:

(i) sign cheques; or

(ii) authorise payments by electronic funds transfer.

(c) In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the Union for its part to genuinely attempt a settlement of the Industrial Dispute in the manner required by the Act:

(i) for any Industrial Dispute arising from the Part A rules, then the Union Secretary will forthwith give notification of the Industrial Dispute in the manner required by the Act;

(ii) for any Industrial Dispute arising from either the Part B rules or any member attached to the State Construction and General Division then the State Secretary of the State Construction and General Division will forthwith give notification of the Industrial Dispute in the manner required by the Act and in accordance with rule B75; and

(iii) for any Industrial Dispute arising from either the Part C rules or any member attached to the Mining, Energy and Ports District, then the District Secretary of the Mining, Energy and Ports District will forthwith give notification of the Industrial Dispute in the manner required by the Act and in accordance with rule C60.

A45. FINANCIAL PERIOD

(a) The financial year of the Union will be from the 1st of July in any year to the 30th of June in the year next following.

(b) Sub-rule (a) does not prevent a Division from adopting a different financial year.

A46. UNION FUND

(a) The Union Fund will consist of:

(i) real or personal property, of which the Union by:

(A) these Part A rules, or

(B) any established practice not inconsistent with these Part A rules,

has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;

(iii) entrance fees, subscriptions, levies or fines received by the Union in accordance with these Part A rules;

(iii) capitation fees paid by the Divisions in accordance with these Part A rules;

(iv) interest, rents, dividends or other income derived from the investment of the Union Fund;

(v) benefit funds administered by the Union in accordance with these Part A rules for the benefit of the Members;

(vi) property acquired by expenditure from, or derived from, the assets of the Union Fund; and

(vii) proceeds of any disposal of parts of the Union Fund.

(b) All expenditure from the Union Fund must occur in accordance with these Part A rules.

(c) The Union Fund will only be used for the:

(i) carrying out of the objects of the Union; and

(ii) necessary expenses of management of the Union incurred in accordance with these Part A rules.

(d) All expenditure incurred pursuant to sub-rule (b) will be placed before the MCQ for consideration and ratification

(e) The MCQ may, in relation to a particular account of the Union Fund, determine to maintain an account at a particular level.

A47. AUDIT OF UNION ACCOUNTS

(a) The MCQ will appoint, in accordance with the provisions of the Act, an auditor who will hold the qualification required for a competent person under the Act.

(b) The auditor will:

(i) audit the Financial Statements of the Union, excluding its Divisions at the end of each financial year and at such other times as the MCQ directs;

(ii) have access to and examine all registers, books, papers, deeds, documents, Financial Statements and accounts of the Union held in accordance with the provisions of these Part A rules;

(iii) have the discretion to examine any Union Officer in regard to the registers, books, papers, deeds, documents, Financial

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Statements and accounts of the Union held in accordance with the provisions of these Part A rules; and

(iv) obtain from any financial facility, in which the Union Fund is deposited and/or invested, a written statement of balances held.

(c) The auditor will furnish a written statement that all Financial Statements are certified in accordance with the Act and these Part A rules, or, if unable to certify to the correctness of any of them, promptly report to the MCG in relation to defects.

(d) The auditor will have power to place before the MCG any suggestions concerning the financial affairs of the Union.

(e) In the event of an auditor so appointed being unable to act or refusing to act or resigning, the MCG will appoint an auditor qualified in accordance with this rule as a replacement.

A48. BANKING/DISBURSEMENT

(a) The MCG may determine in relation to the Union Fund to:

(i) deposit it as current account in the financial facility that the MCG determines;

(ii) deposit it on fixed deposit with any

(A) bank; or

(B) financial institution carrying on business in the Commonwealth or elsewhere;

(iii) mortgage any,

(A) real; or

(B) personal,

property.

(iv) subscribe for, or purchase, shares in any Company registered in the Commonwealth or elsewhere.

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(b) The name of any the account in any financial facility, in relation to which any monies comprising the Union Fund are deposited, must include the words.

(i) *"Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland, [insert account name]".*

(c) Monies attributed to the Union Fund will be promptly banked by the Union Secretary

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(d) All disbursements of the Union made in accordance with these Part A rules will be made by cheque, direct debit, bank transfer, credit card or other convenient method of payment provided that:

(i) it has been authorised in writing by the Union Secretary and another Union Officer; and

(ii) the expenditure:

(A) is of a type that has been authorised by the MCC;

(B) the expenditure is within an authorised amount determined by the MCC and to be applied for a particular purpose determined by the MCC; or

(C) the particular transaction has been authorised the MCC.

A48. DIVISIONAL AUTONOMY

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(a) A Division will, unless these Part A rules otherwise provide, be autonomous in relation to:

(i) matters which do not directly affect the members of another Division;

(ii) its management;

(iii) its investment and use of its Divisional Fund;

(iv) furthering, and attaining the objects of the Union;

(v) the entrance fees, subscriptions, levies and fines that it requires members of the Division to pay;

(vi) its affiliations;

(vii) its policy;

(viii) the discipline of its members and officers;

(ix) the election of its officers;

(x) the creation of its sub-divisions; and

(xi) the appointment of its workplace delegates.

A49. DISPUTE BETWEEN DIVISIONS

(a) Disputes between Divisions as to the attachment of members to Divisions will be determined by the MCC, and the determination of the MCC will be final.

(b) Disputes between Divisions, other than disputes referred to in sub-rule (a), where the parties to the dispute have, together with the Union Secretary, attempted and failed to resolve it will in the first instance be

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referred to a meeting of the Union Council which may recommend to the MCO as to the resolution of such disputes

A51. LOANS, GRANTS AND DONATIONS

(a) Loans, grants and donations of any amount exceeding $1,000 will not be made by the Union Officers to any one member, pursuant to these Part A rules, unless the MCO has satisfied itself that:

(i) the making of the loan, grant or donation is in accordance with the rules;

(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

has approved the making of the loan, grant or donation.

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A52 COMMON SEAL

(a) The common seal of the Union will be kept at the Principal Office in the custody of the Union Secretary.

(b) The common seal will be affixed by the Union Secretary to any instrument which is required, or permitted, to be executed under seal.

A53 INSPECTION OF RECORDS AND BOOKS

(a) A Member of the Union may inspect the records of the Union in accordance with the provisions of the Act

A54. AFFILIATION

(a) The Union may affiliate to become a member of:

(i) the Queensland Council of Unions;

(ii) a political party representing the interests of the Members;

(iii) industrial bodies which can promote the interests of the Members; and/or

(iv) community bodies which can promote the interests of the Members.

(b) Despite sub-rule (a) nothing prevents a Division from separately affiliating, in the name of the Union and the Division, to such bodies as are provided for in sub-rule (a) or otherwise provided for in the Divisional rules.

(c) In determining to affiliate the MCO will ensure that the Unions rules are complied with

(d) All affiliations of the Union must occur so as to ensure that there is no overlap in the payment of affiliation fees where those fees are calculated on a capitation basis.

A55. SUSPENSION OR REMOVAL OF UNION OFFICERS

(a) A Union Officer may be removed from office where that officer has:

(i) been found guilty under these Part A rules of:

(A) misappropriation of funds of the Union, or

(B) a substantial breach of the rules of the Union; or

(C) gross misbehaviour or gross neglect of duty;

(ii) ceased, under these Part A rules, to be eligible to hold office.

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(b) Any Member of the Union may charge a Union Officer with any of the matters referred to in sub-rule (a).

(c) The Member making a charge will provide the officer charged and the Union Secretary with particulars in writing of the charge.

(d) The charge will be heard and determined by the members of the MCQ, with the exception of the officer who is the subject of the charge.

(e) When dealing with a charge the MCQ will take all reasonable care to ensure that it is carefully, and fully, dealt with and, in particular, that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge.

(f) The MCQ may determine that the charge is to be dealt with by written submissions including such documents as it may require.

(g) The decision as to whether the officer is liable as charged will be made by resolution passed by a majority of the members of the MCQ at the meeting called to deal with the matter.

(h) The MCQ, where it finds an officer guilty of a charge made in accordance with sub-rule (a)(i), as an alternative to removal from office, may

(i) determine to censure the officer concerned;

(ii) suspend that officer from that office for a period not exceeding 90 days, and/or

(iii) impose any of the penalties provided for in rule A58 other than expulsion.

(i) The Union Secretary will inform the officer charged of the charge and the particulars of the charge by notice in writing by certified mail in sufficient time to enable the officer to be in a position to properly defend the charge

(j) In the event that the Union Secretary is charged the Union President will act in the Union Secretary's place for the purposes of this rule.

(k) The provisions of rule A56 apply to the hearing of any charge or allegation (under this rule).

A58. OFFENCES AND PENALTIES

(a) Charges by Members

(i) Any Member may charge any other member with:

(A) failing to observe any or all of these Union rules,

(B) knowingly failing to observe any resolution of the Union binding upon them;

(C) giving false or misleading information to:

(1) the ROC, or

(2) a Union Officer,

on any matter;



(D) obstructing:

(1) the ROC; or

(2) a Union Officer,

in any way in the performance of any the functions of the Union;

(E) obstructing any Union Officer in the course of the Union Officer's duties;

(F) wrongfully holding themself out as occupying any office or position in the Union, or as being entitled to represent the Union in any capacity provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or capacity;

(G) bringing the Union into disrepute,

(H) aiding or encouraging any other member or person to breach these Union rules.

(b) Processing of Charges

(i) Any charge will be made in writing to the Union Secretary and will be accompanied by the sum of $1,000.00 which, subject to sub-rule (e), will be refundable.

(ii) The Union Secretary may, and will, if directed by the MCQ, summon the member charged before the MCQ and in the case of the Union Secretary being charged the Union President will, if directed by the MCQ, summon the Union Secretary before the MCQ

(iii) The summons will:

(A) be in writing; and

(B) set out the time and place of the hearing; and

(C) set out the name of the person laying the charge; and

(D) set out the particulars of the charge.

(iv) If the member charged requests it the member will be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(v) The member charged will be given such notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 60 kilometres from the member's address as shown in the Union Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the MCQ will consider the charge made against the member.

(vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be heard, whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the MCQ for their absence then the MCQ will adjourn the hearing of the matter to another time and/or place.

(vii) If the member charged attends the member will be informed of the substance and source of any information adverse to them on which the MCQ relies.

(viii) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themself and may, if the member wishes, provide written submissions to the MCQ.

(c) Power to Hear Charges

(i) The MCQ will have power to hear and determine charges under this rule.

(d) Findings of the MCQ

(i) If the MCQ finds the member guilty, it may subject to rule A55 do one or more of the following

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(A) impose no penalty;

(B) fine the member any sum not exceeding $1000.00;

(C) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act, provided that whilst suspension from membership will deprive a member of the benefits of membership it will not relieve the member of the obligations of membership and such suspension will not exceed 6 months for any offence and provided further that if the specified event has not occurred or the specified act has not been done at the expiration of 6 months from the date of suspension, the suspension will then lapse;

(D) expel the member from the Union.

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(e) Frivolous Charges

(i) If upon investigation the charge is found to be frivolous the $1,000.00 will be forfeited to the Union.

(f) Payment of Fines

(i) Where a member is fined in accordance with this rule, the member will be required to pay such fine within 10 days of having been notified, in writing, of the imposition of the fine.

A57. MAKING OR ALTERATION OF UNION RULES

(a) The MCC has, subject to this rule, power to amend these Part A rules by resolution carried by a % majority of the members of the MCC.

(b) Despite sub-rule (a) an amendment to the Part A rules cannot occur unless each Division, by its management committee, consents to the amendment concerned.

(c) Notice of a proposal to amend the Part A rules must be given in writing to each member of the MCC at least 10 days prior to the meeting of the MCC that considers the resolution, unless each member of the MCC consents to waive notice.

(d) Notwithstanding the provisions of sub-rule (a), the MCC does not have the power to amend the Part A rules providing for attachment of members of the Union to a Division unless each of the Divisions, by a % majority, vote of the management committees of the respective Divisions approves the amendment.

(e) The Part B and C rules may only be amended by the respective Division in accordance with the rules of that Division.

(f) When advised of an amendment of the rules of a Division by the Divisional Secretary of the Division concerned, the Union Secretary will

promptly make application to the Registrar for certification of that amendment

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A53. PLEBISCITE

(a) The Union Secretary will, on receipt of a request in writing signed by 10 per cent of the Members, direct the conduct of a plebiscite of the Members on a matter concerning the Union.

(b) The MCQ may direct the conduct of a plebiscite of the Members on a matter concerning the Union.

(c) A plebiscite to be held in accordance with sub-rules (a) and (b) will be conducted by secret ballot by the Union Returning Officer in accordance with this rule and will be completed, in the case of a plebiscite under sub-rule (a) within 60 days of the receipt by the Union Secretary of the request and in the case of a plebiscite under sub-rule (b) within 40 days of the direction of the MCQ.

(d) Where a request has been received under sub-rule (a) or a direction given under sub-rule (b), the MCQ will not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.

(e)

(i) Where a majority of Members voting at a plebiscite approve the matter submitted to plebiscite, the matter will be carried out and the MCQ will, as far as is practicable, implement the decision of the plebiscite.

(ii) In the event of a tied plebiscite the proposal is declared lost.

(f) Where a request is received under sub-rule (a) or a direction given under sub-rule (b), the Union Secretary will advise the Union Returning Officer and the Union Returning Officer will direct the conduct of the plebiscite and take all necessary steps to ensure the secrecy of the ballot.

(g) The Union Returning Officer will determine the opening and closing dates of the ballot.

(h) The MCQ and, where the plebiscite is held following a request pursuant to sub-rule (a) of this rule, the Members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and will, before the opening of the ballot, advise the Union Returning Officer of the name of each scrutineer they appoint.

(i) The Union Returning officer will:

(i) on the opening of the ballot forward or cause to be forwarded by prepaid post or otherwise to each Member, a ballot paper bearing the Union Returning Officer's signature together with a reply paid return envelope addressed to the Union Returning Officer at the Union Returning Officer's address for the purpose of the conduct of the plebiscite;

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(iii) give directions to voters as the Union Returning Officer considers necessary;

(iii) give a direction that a voter must not make any mark on the ballot paper which will identify them and that any mark of that type will render the vote invalid;

(iv) provide for a method of permitting Members to vote whilst preserving the secrecy of the ballot.

(j) Subject to sub-rule (k) a scrutineer appointed under sub-rule (h) may be present during the conduct of the ballot by the Union 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 must observe a direction given by the Union Returning Officer during the conduct of the ballot and will comply with any decision given by the Union 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 will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under sub-rule (i) in accordance with the directions to voters and forwarding the ballot paper to the Union Returning Officer so as to reach the Union Returning Officer no later than the closing date of the ballot.

(m) A vote cast in the ballot will 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 Union Returning Officer will declare the result of the plebiscite by advising the Union Secretary in writing of the number of ballot papers forwarded to voters, the numbers approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

(o) The outcome of the plebiscite is binding on the MEC.

(p) Provided that upon the MEC receiving a request in writing for a plebiscite it may, where the proposal contained in the request in writing for a plebiscite is capable of adoption by it, of its own motion adopt the proposal contained in the request in writing for a plebiscite and the adoption of the proposal contained in the request in writing for a plebiscite means that no plebiscite is required.

A58 DISSOLUTION OF THE UNION

(a) The Union will not be dissolved unless all of the existing Divisions agree.

(b) A Division will be dissolved if the number of financial members of that Division is reduced to 21 Members or less.

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(c) Where a Division is dissolved and the Union continues, the property of that defunct Division is to be vested in the Divisions to which the members of the defunct Division are allocated.

(d) Whilst 7 members remain, the Union will not be dissolved.

(e) Should the number of members at any time fall below 7, the Union will be dissolved.

(f) In the event of a dissolution, all monies and property, after payment of all debts, will be held in trust by the Union Officers in a separate fund until a new union containing 7 or more members can be formed, and the monies and property held in trust will then be applied to the new union.

A60. STANDING ORDERS

(a) The following procedures will be adhered to as far as practicable at all meetings of the Union held in accordance with these Part A rules.

(b) The chair will take the chair for the meeting and upon ascertaining that a quorum is present will then declare the meeting open for the transaction of business, provided that if no quorum is present within 15 minutes, the meeting will not proceed to business.

(c) The standing order for meetings will be:

(i) attendance and apologies;

(ii) business as notified;

(iii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;

(iv) correspondence;

(v) financial statements and accounts;

(vi) reports;

(vii) general business on notice.

(d) A motion on notice will be required to suspend the standing orders at a meeting.

(e) Any person seeking to suspend the standing order will give notice, in accordance with these rules, to the Union Secretary.

(f) A person, having relevant rights pursuant to these rules, may 5 days prior to a meeting give notice of a motion to be moved at that meeting by handing a copy of the motion to the Union Secretary.

(g) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to

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adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

(i) No notice of motion entered on the notice paper will be proceeded with unless the person who has given such notice is present when the business is called in its order.

(j) No notice of motion will proceed unless it is seconded.

(k) Notices of motion not proceeded with will be struck out.

(l) No new business will be taken later than 3 hours after the commencement of a meeting unless an extension of time is granted by the meeting.

(m) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

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A31. RULES OF DEBATE

(a) The following rules of debate will be adhered to as far as practicable at all meetings of the Union held in accordance with these Part A rules.

(b) No discussion will be allowed except on a motion or amendment, duly proposed and seconded

(c) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.

(d) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair

(e) No Member will address the meeting unless, and until, called upon by the chair.

(f) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.

(g) The chair will call to order any speaker who departs from the question or who violates the courtesies or rules of debate.

(h) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(i) All motions will be determined in the following manner

(i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion

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and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;

(ii) the seconder of a motion and all other speakers will be limited to 3 minutes;

(iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;

(iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later;

(v) after the motion has been moved and seconded, no more than 2 members will speak in succession on one side, either for or 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 will at once be put to the meeting, subject to part (i) of this sub-rule

(j) All votes at meetings will be subject to the following:

(i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;

(ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 5 Members;

(iii) the chair will then declare the motion carried or lost.

(k) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

(l) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:

(i) all amendments must be seconded

(ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;

(iii) the effect of any proposed amendment cannot be to establish a direct negative to the question contained in the motion;

(iv) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;

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(v) all amendments will be put before the original motion;

(vi) the mover of an amendment will not have a right of reply.

(vii) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed, however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (h).

(m) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.

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(n) Where an amendment is proposed a member may speak for or against the proposed amendment

(o) Any member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the member interrupting must not enter into argument.

(p) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration, to rise and move, "that the question be now put" but no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.

(q) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.

(r) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question will be closed and the chair will then call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.

(s) A motion may be dealt with by:

(i) adoption as moved;

(ii) rejection as moved;

(iii) adoption after amendment of the subject matter.

(t) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:

(i) "The Order of the Day", i.e., that the next business in order be now taken;

(ii) postponement of the question, either to a definite time or a time to be fixed;

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(iii) reference to a committee.

(iv) adjournment:

(A) of the debate:

(B) of the meeting.

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(u) A motion for adjournment

(i) may be moved and seconded at any time during the meeting;

(ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;

(iii) provides no right of reply for the mover of the motion;

(iv) will be successful if carried by a majority of Members present.

(v) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

(w) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

(x) Any Member may rise to a point of order when the member considers the rules of debate to have been violated provided that the member must submit the "point of order" to the chair, who will decide the question as prescribed in sub-rule (w).

(y) Upon the point of order being raised, the Member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.

(z) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.

(aa) On the motion of dissent being seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these Part A rules, in the absence of the chair.

(bb) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.

(cc) The procedure to determine a motion of dissent will be as follows:

(i) the Member moving the motion of dissent will be given 5 minutes to support the motion;

(ii) the chair will be given 5 minutes to defend their ruling;

(iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

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(dd) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded.

(ee) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member will have given notice at a previous meeting.

(ff) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting.

(gg) The vote on such proposition when seconded will then be taken without discussion.

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A62. TRANSITIONAL – AMALGAMATION CFMEUQ, FEDFAQ AND QCEUE

(a) The purpose of this rule is to provide for:

(i) the amalgamation of the CFMEUQ, the FEDFAQ and the QCEUE to constitute the amalgamated union;

(ii) the conduct of the first election for the offices of the Division and District in the year 2016;

(iii) the conduct of the first election for the offices of the amalgamated union in the year 2018;

(b) In this rule the following words have the meaning assigned:

(i) "Amalgamation Day" means the date prescribed by the Industrial Relations Commission as the day of amalgamation for the CFMEUQ, the FEDFAQ and the QCEUE;

(ii) "Amalgamated Union" means the union formed by the amalgamation of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ"), the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees Union of Employees ("QCEUE");

(iii) "CFMEUQ means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(iv) "Coal and Metalliferous Division" means the Queensland Coal, Metalliferous and Energy Division of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(v) "District" means the Mining, Energy and Ports District of the Amalgamated Union;

(vi) "FEDFAQ" means the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(vii) "Inaugural election" means the first quadrennial elections to be conducted in accordance these Union rules in 2016;

(viii) "QCEUE" means the Queensland Colliery Employees Union of Employees;

(ix) "State Division" means the State Construction and General Division of the Amalgamated Union;

(x) "the Construction and General Division" means the Construction and General Division of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(xi) "Workplace Representative" means members appointed as workplace representatives in accordance with the Part B and C rules.

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(c) This rule will apply notwithstanding any other provisions of these rules.

(d) The Part A, B and C rules will commence to operate on, and from, Amalgamation Day.

(e) The Amalgamated Union and its members will comply with the rule changes effected on Amalgamation Day severably as provided for in this rule

(f) All persons who were, on the day immediately preceding Amalgamation Day, members of the CFMEUQ will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the State Division.

(g) All persons who were, on the day immediately preceding Amalgamation Day, Honorary members of the CFMEUQ will on Amalgamation Day be Honorary members of the Amalgamated Union without the payment of a further fee, attached to the State Division

(h) All persons who were, on the day immediately preceding Amalgamation Day, Retired members of the CFMEUQ will on Amalgamation Day be Retired members of the Amalgamated Union without the payment of a further fee, attached to the State Division.

(i) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Construction and General Division will on Amalgamation Day be a Member of the Amalgamated Union without the payment of a fee attached to the State Division.

(j) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Construction and General Division who had been granted a life membership will on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the State Division.

(k) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Coal and Metalliferous Division on Amalgamation Day be members of the Amalgamated Union without the payment of a fee attached to the District

(l) All persons who were, on the day immediately preceding Amalgamation Day, Life Members of the FEDFAQ attached to the Coal and

Metalliferous Division on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the District.

(m) All persons who were, on the day immediately preceding Amalgamation Day, members of the QCEUE will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the District.

(n) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (l) – (m), will:

(i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of respectively the CFMEUQ, the FEDFAQ or the QCEUE as the case may be; and

(ii) following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

(o) A member of the Amalgamated Union, who becomes a member, on or following Amalgamation Day, other than pursuant to sub-rules (l) – (m), is liable to pay subscriptions and fees in accordance with the Part B and C rules.

(p) A member of the Amalgamated Union on, and from, Amalgamation Day is liable to pay levies and fines in accordance with the Part B and C rules.

(q) The subscriptions and fees to be paid by members of the Amalgamated Union subsequent to Amalgamation Day will be:

(i) for members who were members of the CFMEUQ on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day;

(ii) for members who were members of the FEDFAQ attached to the Construction and General Division on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day;

(iii) for members who were members of the FEDFAQ attached to the Coal and Metalliferous Division on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day; and

(iv) for members who were members of the QCEUE on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day.

(r) For entrants to the Amalgamated Union, who were not members of the CFMEUQ or the FEDFAQ on the day prior to Amalgamation Day, and who are attached to the State Division, an amount equivalent to the level of fees of members of the CFMEUQ on the day prior to Amalgamation Day

(s) For entrants to the Amalgamated Union, who were not members of the FEDFAQ or the QCEUE on the day prior to Amalgamation Day, and who are attached to the District, an amount equivalent to the level of fees of

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members of the FEDFAQ attached to the Coal and Metalliferous Division on the day prior to Amalgamation Day.

(t) This rule does not prevent the State Divisional Executive being able to determine the level of subscription fees in relation to members attached to the State Division in accordance with the Part B rules.

(u) This rule does not prevent the District Board being able to determine the level of subscription fees in relation to members attached to the District, in accordance with the Part C rules.



(v) A member of the Amalgamated Union who was on the day preceding Amalgamation Day an unfinancial member of the CFMEUQ, the FEDFAQ or the QCEUE will remain unfinancial until the member becomes financial in accordance with the Part B or C rules, whichever of the Part B or C rules is applicable to the member.

(w) The HCC will on Amalgamation Day attach entrants to the Amalgamated Union, who were not members of the CFMEUQ, the FEDFAQ or the QCEUE on the day prior to Amalgamation Day to the respective Industry Division to which they are to be attached in accordance with rule 9 of these Part A rules.

(x) On and from Amalgamation Day and up to the date members take office at the Inaugural Election the offices set out in column A will be held by the Members set out in column B:

A	B
Union President	District President of the District
Union Vice-President	State Divisional President of the State Division
Union Secretary	State Secretary of the State Division
Union Assistant Secretary	District Secretary of the District
Members of Union Council	Members of the State Divisional Executive of the State Division And Members of the District Board of the District
Part B – State Division	
State Divisional President	State President of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Vice-President	State Vice President of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Secretary	State Secretary of the

	CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Assistant Secretary	Assistant State Secretary of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Council members	Members of the State Management Committee of the CFMEUQ on the day immediately preceding Amalgamation Day And Members of the Management Committee of the Construction and General Division on the day immediately preceding Amalgamation Day.
State Divisional Executive Members	Members of the State Executive of the CFMEUQ on the day immediately preceding Amalgamation Day.
Part C – District	
District President	Divisional President of the QCEUE on the day immediately preceding Amalgamation Day.
District Executive Vice-President	Divisional Executive Vice-President of the QCEUE on the day immediately preceding Amalgamation Day
District Vice-Presidents	Divisional Vice Presidents of the QCEUE on the day immediately preceding Amalgamation Day.
District Secretary	Divisional Secretary of the QCEUE on the day immediately preceding Amalgamation Day.
District Board	State Board of Management of the QCEUE on the day immediately preceding Amalgamation Day And any other Divisional

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	Representative elected to the Coal and Metalliferous Division on the day immediately preceding Amalgamation Day
District Executive	State Executive of the QCEUE on the day immediately preceding Amalgamation Day
Members of the District Convention	Members of the State Convention on the day immediately preceding Amalgamation Day.

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(y)

(i) The Members of the CFMEUQ who were on the day prior to Amalgamation Day attached to a sub-branch of the CFMEUQ as set out in column A will on, and from, Amalgamation Day and subject to the Part B rules be attached to the sub-branch of the State Division as set out in column B

(ii) The Members of the Construction and General Division who were on the day prior to Amalgamation Day attached to a sub-branch of the FEDFAQ Construction and General Division as set out in column A will on, and from, Amalgamation Day subject to the Part B rules be attached to the sub-branch of the State Division as set out in column B.

(iii) The Members of the Coal and Metalliferous Division who were on the day prior to Amalgamation Day attached to a sub-branch of the Coal and Metalliferous Division, as set out in column A, will on and from Amalgamation Day subject to the Part C rules be attached to the Lodge of the District as set out in column B.

(iv) The Members of the QCEUE who were on the day prior to Amalgamation Day attached to a Lodge of the QCEUE, as set out in column A, will on, and from, Amalgamation Day subject to the Part A rules be attached to the Lodge of the Mining, Energy and Ports Division as set out in column B.

A	B
CFMEUQ	
Brisbane	Brisbane
Cairns	Cairns
Dalby	Dalby
Fraser Coast	Fraser Coast
Gladstone	Gladstone

Gold Coast	Gold Coast
Gympie	Gympie
Ipswich	Ipswich
Mackay	Mackay
Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	Toowoomba
Townsville	Townsville
Warwick	Warwick
Conservation and General Division	
Brisbane	Brisbane
Cairns	Cairns
Dalby	Dalby
Fraser Coast	Fraser Coast
Gladstone	Gladstone
Gold Coast	Gold Coast
Gympie	Gympie
Ipswich	Ipswich
Mackay	Mackay
Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	Toowoomba
Townsville	Townsville
Warwick	Warwick
Coal and Metalliferous Division	
No current Sub-branches	
QCBUE	
Burton Downs	Burton Downs
Collinsville	Collinsville
Capcabella	Capcabella
Eaglefield	Eaglefield
Millennium	Millennium

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Moorvale	Moorvale
Newlands Opencut	Newlands Opencut
Newlands Underground	Newlands Underground
North Goonyella	North Goonyella
Sonoma Leighton	Sonoma Leighton
South Walker Creek	South Walker Creek
Boom Logistics	Boom Logistics
Broadmeadow BMA	Broadmeadow BMA
Carborough Downs	Carborough Downs
Goonyella Riverside BMA	Goonyella Riverside BMA
MacMahons Goonyella Riverside Moranbah North	MacMahons Goonyella Riverside Moranbah North
Peak Downs	Peak Downs
Blair Athol	Blair Athol
Bundoora	Bundoora
Foxleigh	Foxleigh
German Creek Open Cut	German Creek Open Cut
Grasstree	Grasstree
Norwich Park	Norwich Park
Oaky Creek No 1	Oaky Creek No 1
Oaky North	Oaky North
Saraji	Saraji

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Callide Valley	Callide Valley
Crinum	Crinum
Gregory	Gregory
Moura	Moura
RUS Mining Crinum	RUS Mining Crinum
Yongala (Ensham)	Yongala (Ensham)
Blackwater No 1	Blackwater No 1
Curragh	Curragh
Curragh North	Curragh North
Jellinbah	Jellinbah
Commodore Open Cut	Commodore Open Cut
Kogan Creek Coal Mine	Kogan Creek Coal Mine
Kogan Creek Power Station	Kogan Creek Power Station
New Acland	New Acland
Tarong Coal Mine	Tarong Coal Mine
West Moreton	West Moreton
Wilkie Creek	Wilkie Creek
Abbot Point Bulk	Abbot Point Bulk
Callide Power	Callide Power
Gladstone Port Authority	Gladstone Port Authority
Gladstone Power Station	Gladstone Power Station
Hay Point	Hay Point
Orica Queensland	Orica Queensland
Qld Bulk Handling	Qld Bulk Handling
State Member	State Member
Swanbank Power	Swanbank Power

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Tarong Power Station	Tarong Power Station
Valley Longwall	Valley Longwall
Weipa	Weipa

(z) If on Amalgamation Day a person holds an office provided for by this rule is not available for any reason to hold an office referred to in this rule that operates on and from Amalgamation Day or has declined to hold an office that operates on and from Amalgamation Day referred to in this rule, then the MCQ is empowered to fill the vacancy, subject to the Act, by an appointment of a person otherwise qualified by these rules to hold the office

(aa) Quadrennial elections will occur in respect of all offices of the Amalgamated Union at:

(i) Part A – 2012;

(ii) Part B – 2016;

(iii) Part C - 2016;

, and every four years thereafter.

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(bb) On, and from, Amalgamation Day the rules that apply to the sub-branches of the Construction and General Division will, subject to the Part B rules, be those rules set out in Schedule 1 to the Part B rules

(cc) As soon as is practicable following amalgamation day the Union Secretary, the State Secretary and the District Secretary will call meetings of their respective bodies in accordance with the Part A, Part B or Part C rules, as the case may be.

(dd) A person who, on the day immediately prior to Amalgamation Day, is a financial member of the CFMEUQ, the FEDFAQ or the QCEUE will remain a financial member of the Amalgamated Union for the same period of time that they would have been, but for the Amalgamation, a financial member of the CFMEUQ, the FEDFAQ or the QCEUE, as the case may be

(ee) For the purpose of the rules of the Amalgamating Union, financial membership of the CFMEUQ will be continuous with the period the person was a financial member, respectively of the CFMEUQ, the FEDFAQ or the QCEUE, as the case may be.

(ff) Workplace Representatives of the CFMEUQ, the FEDFAQ or the QCEUE will on Amalgamation Day be Workplace Representatives of the Amalgamated Union.

(gg) The funds held in the Funds identified in column A on the day immediately prior to Amalgamation Day will on, and from, Amalgamation Day be held in the Funds identified in column B as provided for in the Part A, B or C rules referred to in column B.

A	B

FEDFAQ Union Fund	A Union Fund
FEDFAQ Queensland Coal, Metalliferous and Energy Division Divisional Fund	C District Fund
FEDFAQ Construction and General Division Divisional Fund	B Divisional Fund
CFMEUQ Union Fund	B Divisional Fund
QCEUE Union Fund	C District Fund
QCEUE Mortuary Benefit Fund	C Mortuary Benefit Fund

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(hh) The liabilities of the CFMEUQ on the day preceding Amalgamation Day will become the liabilities of the State Division on Amalgamation Day.

(ii) The liabilities of the Construction and General Division on the day preceding Amalgamation Day will become the liabilities of the State Division on Amalgamation Day.

(jj) The liabilities of the Coal and Metalliferous Division will become the liabilities of the District on Amalgamation Day.

(kk) The liabilities of the QCEUE will become the liabilities of the District on Amalgamation Day.

(ll) Any affiliation to a state or national organisation by the CFMEUQ, the FEDFAQ or the QCEUE will be maintained by the Amalgamated Union subject to these rules

(mmm) Any proceedings commenced, prior to Amalgamation Day, in the name of the CFMEUQ, the FEDFAQ or the QCEUE will on, and from, Amalgamation Day be continued in the name of the Amalgamated Union.

(nnn) Any proceedings commenced pursuant to the CFMEUQ rules prior to Amalgamation Day, against a member of the CFMEUQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(ooo) Any proceedings commenced pursuant to the FEDFAQ rules prior to Amalgamation Day, against a member of the FEDFAQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(ppp) Any proceedings commenced pursuant to the QCEUE rules prior to Amalgamation Day, against a member of the QCEUE will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

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(qq) Any member of the CFMEUQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the CFMEUQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the CFMEUQ, has elapsed.

(rr) Any member of the FEDFAQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the FEDFAQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the FEDFAQ, has elapsed.

(ss) Any member of the QCEUE suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the QCEUE, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the QCEUE, has elapsed.

(tt) The Returning Officer of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Returning Officer of the Amalgamated Union.

(uu) The Auditor of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the State Division

(vv) The Auditor of the QCEUE on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the District.

(ww) The books, papers, accounts, financial statements, records, documents, computer records and registers of the CFMEUQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(xx) The books, papers, accounts, financial statements, records, documents, computer records and registers of the FEDFAQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) The books, papers, accounts, financial statements, records, documents computer records and registers of the QCEUE as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union

(zz) Except as otherwise provided for in this rule, this rule may be altered by resolution of the NCC provided that of the votes cast ¾ of the total vote are cast in favour of any alteration.

A63. TRANSITIONAL – AMALGAMATION CFMEUQ AND BLF

(a) The purpose of this rule is to provide for:

(i) the amalgamation of the CFMEUQ and the BLF to constitute the amalgamated union; and

(ii) the conduct of the first election for the offices of the SCC Division in the year 2016.

(b) In this rule the following words have the meaning assigned:

(i) 'Amalgamation Day' means the date prescribed by the Industrial Relations Commission as the day of amalgamation for the CFMEUQ and the BLF;

(ii) 'Amalgamated Union' means the union formed by the amalgamation of the CFMEUQ and the BLF;

(iii) "BLF" means the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees;

(iv) "CFMEUQ means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland on the day preceding Amalgamation Day;

(v) "District" means the Mining, Energy and Ports District of the Amalgamated Union;

(vi) "inaugural election" means the first quadrennial elections of the SCG Division to be conducted in accordance these Union rules in 2016;

(vii) "SCG Division" means the State Construction and General Division of the Amalgamated Union on, and from, Amalgamation Day;

(viii) "State Division" means the State Construction and General Division of the Amalgamated Union on the day preceding Amalgamation Day.

(c) This rule will apply notwithstanding any other provisions of these rules.

(d) The rules of the Amalgamated Union will commence to operate on, and from, Amalgamation Day.

(e) The Amalgamated Union and its members will comply severally with the rule changes effected on Amalgamation Day as provided for in this rule.

(f) All persons who were, on the day immediately preceding Amalgamation Day, members of the State Division will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

(g) All persons who were, on the day immediately preceding Amalgamation Day, Life or Honorary members of the State Division will on Amalgamation Day be Life or Honorary members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

(h) All persons who were, on the day immediately preceding Amalgamation Day, members of the CFMEUQ attached to the District will on Amalgamation Day be a Member of the Amalgamated Union without the payment of a fee attached to the District.

(i) All persons who were, on the day immediately preceding Amalgamation Day, members of the CFMEUQ attached to the District who had been

granted a life membership will on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the District.

(j) All persons who were, on the day immediately preceding Amalgamation Day, members of the BLF will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

(k) All persons who were, on the day immediately preceding Amalgamation Day, honorary members of the BLF will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

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(l) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (j), will:

(i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of the CFMEUQ; and

(ii) following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

(m) A member of the Amalgamated Union who becomes a member pursuant to sub-rule (j), will:

(i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of the BLF; and

(ii) following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

(n) A member of the Amalgamated Union, who becomes a member, on or following Amalgamation Day, other than pursuant to sub-rules (f) (k) or (k), is liable to pay subscriptions and fees in accordance with the Part B or C rules, as the case may be

(o) A member of the Amalgamated Union on, and from, Amalgamation Day is liable to pay levies and fines in accordance with the Part B or C rules, as the case may be

(p) Subject to this transitional rule the subscriptions and fees to be paid by members of the Amalgamated Union on Amalgamation Day will be for

(i) members who were members of the CFMEUQ on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamator Day; and

(ii) members who were members of the BLF on the day prior to Amalgamation Day at the level of subscription fees paid by a

member to the State Division on the day prior to Amalgamation Day.

(q) This rule does not prevent the State Divisional Executive being able to determine, on and from Amalgamation Day, the level of subscription fees in relation to members attached to the SCG Division in accordance with the Part B rules.

(r) This rule does not prevent the District Board being able to determine, on and from Amalgamation Day, the level of subscription fees in relation to members, attached to the District in accordance with the Part C rules.

(s) A member of the Amalgamated Union who was, on the day preceding Amalgamation Day, an unfinancial member of the CFMEUQ or the BLF will remain unfinancial until the member becomes financial in accordance with the Part B or C rules, as the case may be.

(t) The MCG will on Amalgamation Day attach entrants to the Amalgamated Union, who were not members of the CFMEUQ or the BLF on the day prior to Amalgamation Day to the respective Division to which they are to be attached in accordance with rule 9 of the Part A rules.

(u) On and from Amalgamation Day and up to the date members take office at the Inaugural Election the offices set out in column A will be held by the Members set out in column B:

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A	B
Secretary - BLF	State Divisional President – SCG Division: • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
President - BLF	State Divisional Senior Vice President - SCG Division • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
Assistant Secretary - BLF	State Divisional Executive member - SCG Division • State Divisional Council – SCG Division • State Divisional Executive – SCG Division

Vice President – BLF	State Divisional Vice President - SCG Division • State Divisional Council Member – SCG Division
Trustees – BLF	State Divisional Council Member - SCG Division • State Divisional Council Member – SCG Division
Treasurer – BLF	State Divisional Council Member – SCG Division • State Divisional Council Member – SCG Division
Guardian – BLF	State Divisional Council Member – SCG Division • State Divisional Council Member – SCG Division
Executive Member - BLF	State Divisional Council Member - SCG Division • State Divisional Council Member – SCG Division
State Divisional President – State Division	State Divisional Senior Vice President - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Vice President – State Division State Secretary – State Division	State Divisional Vice President (State Division) – SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division State Secretary - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (Plasterers) – State Division	State Divisional Assistant Secretary (Plasterers) - SCG Division

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	• State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (Painters) – State Division	State Divisional Assistant Secretary (Painters) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (General) – State Division	State Divisional Assistant Secretary (General) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Executive Member	State Divisional Executive member - SCG Division • State Divisional Council Member - SCG Division • State Divisional Executive Member – SCG Division
State Divisional Council Member	State Divisional Council Member - SCG Division

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and the persons referred to in Column A will, subject to these rules, continue to hold the office in the SCG Division as described in Column B herein, until their successor takes office following the 2016 elections.

The officers of the State Divisional Council of the SCG Division are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the State Divisional Council of the State Division, will be entitled to exercise collectively 73% of the total votes at a meeting of the State Divisional Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were on the day preceding the commencement day, members of the BLF Executive Committee, will be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(i) The officers of the State Divisional Executive of the SCG Division are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the State Divisional Council of the State Division, will be entitled to exercise collectively 73% of the total votes at a meeting of the State Divisional Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were on the day preceding the commencement day, members of the BLF Executive Committee, shall be entitled to exercise collectively 27% of the total votes at a meeting of the State Divisional Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(j) (k) There will be an inaugural meeting of the State Divisional Council of the SDS Division held within two (2) months of the commencement day.

(l) There will be an inaugural meeting of the State Divisional Executive of the SDS Division held within one (1) month of the commencement day.

(m) Financiality for the purposes of these Divisional rules is inclusive of the period of financial membership of the State Division contiguous with periods of financial membership with the SDS Division.

(n) Financiality for the purposes of these Divisional rules is inclusive of the period of financial membership of the BLF contiguous with periods of financial membership with the SDS Division.

(v) All meetings of the State Divisional Council, quorum will be as provided by rule B17(h), provided further that for the purposes of quorum at least one (1) member in attendance must be a person who was a member of the BLF on the day immediately preceding amalgamation day and at least one (1) member in attendance must be a person who was a member of the State Division on the day immediately preceding amalgamation day.

(w) At meetings of the State Divisional Executive, quorum will be as provided by rule B21(h), provided further that for the purposes of quorum at least one (1) member in attendance must be a person who was a member of

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the ELF on the day immediately preceding amalgamation day and at least one (1) member in attendance must be a person who is was member of the State Division on the day immediately preceding amalgamation day.

(x) If on Amalgamation Day a person holds an office, provided for by this rule, is not available for any reason to hold that office or has declined to hold that office, then the MCQ is empowered to fill the vacancy, subject to the Act, by an appointment of a person otherwise qualified by these rules to hold that office.

(y)

(i) The Members of the State Division who were on the day prior to Amalgamation Day attached to a sub-branch of the State Division set out in Column A will on, and from, Amalgamation Day and subject to the Part B rules be entitled to participate in the Regional Rank and File Meetings of the SDG Division set out in column B;

(ii) the Members of the District who were on the day prior to Amalgamation Day attached to a Lodge of the District will on and from Amalgamation Day subject to the Part C rules remain attached to the equivalent Lodge; and

(iii) The Members of the ELF who were on the day prior to Amalgamation Day attached to a Branch of the ELF, set out in column A, will on, and from, Amalgamation Day subject to the Part B rules be entitled to participate in the Regional Rank and File Meetings of the SDG Division set out in column B:

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A	B
State Division	
Brisbane	South East Queensland
Cairns	Cairns
Darby	Darby
Fraser Coast	Fraser Coast
Gladstone	Gladstone
Gold Coast	South East Queensland
Gympie	Gympie
Ipswich	South East Queensland
Mackay	Mackay

Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	South East Queensland
Townsville	Townsville
Warwick	Warwick
BLF	
Brisbane	South East Queensland

(z) Quadrennial elections will occur in respect of all offices of the Amalgamated Union in:

(i) Part A – 2016;

(ii) Part B – 2016;

(iii) Part C - 2016;

, and every four years thereafter.

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(aa) As soon as is practicable following amalgamation day the Union Secretary, the State Secretary and the District Secretary will call meetings of their respective bodies in accordance with the Part A, Part B or Part C rules and this rule, as the case may be.

(bb) Workplace Representatives (however called) of the CFMEUQ or the BLF will on Amalgamation Day be Workplace Representatives of the Amalgamated Union of the Division to which they are respectively attached.

(cc) The funds held in the Funds identified in column A on the day immediately prior to Amalgamation Day will on, and from, Amalgamation Day be held in the Funds identified in column B as provided for in the Part A, B or C rules referred to in column B.

A	B
CFMEUQ FUND	CFMEUQ FUND
B Divisional Fund	B Divisional Fund
C District Fund	C District Fund

BLF Union Fund	B Divisional Fund

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(dd) The liabilities of the State Division on the day preceding Amalgamation Day will be the liabilities of the SCG Division on Amalgamation Day.

(ee) The liabilities of the District will be the liabilities of the District on Amalgamation Day.

(ff) The liabilities of the BLF will become the liabilities of the SCG Division on Amalgamation Day.

(gg) The liabilities of the CFMEUQ and the BLF will become the liabilities of the Amalgamated Union on Amalgamation Day.

(hh) Any affiliation to a state or national organization by the CFMEUQ or the BLF will be maintained by the Amalgamated Union subject to these rules.

(ii) Any proceedings commenced, prior to Amalgamation Day, in the name of the CFMEUQ or the BLF will on, and from, Amalgamation Day be continued in the name of the Amalgamated Union.

(jj) Any proceedings commenced pursuant to the CFMEUQ rules prior to Amalgamation Day, against a member of the CFMEUQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(kk) Any proceedings commenced pursuant to the BLF rules prior to Amalgamation Day, against a member of the BLF will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(ll) Any member of the CFMEUQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the CFMEUQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the CFMEUQ, has elapsed.

(mm) Any member of the BLF suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the BLF, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the BLF, has elapsed.

(nn) The Returning Officer of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Returning Officer of the Amalgamated Union.

(oo) The Auditor of the State Division on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the SCG Division and be the auditor of the Amalgamated Union.

(pp) The Auditor of the District on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the District.

(qq) The books, papers, accounts, financial statements, records, documents, computer records and registers of the CFMEUQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(rr) The books, papers, accounts, financial statements, records, documents, computer records and registers of the BLF as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(ss) Despite rule B15 full time officials may during the period commencing on Amalgamation Day and ending on the 1st day of January, 2016, hold the office of State Division Senior Vice-President and State Division Vice-President.

(tt) Except as otherwise provided for in this rule, this rule may be altered by resolution of the MCC provided that of the votes cast ¾ of the total vote are cast in favour of any alteration.

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STATE CONSTRUCTION & GENERAL DIVISION

PART B RULES

B1. NAME

(a) The name of the State Division is the State Construction and General Division.

B2 PRINCIPAL OFFICE

(a) The principal office of the State Division is 14-16 Campbell Street Bowen Hills, or such other place as the State Divisional Council may determine

(b) The principal office is the place of meeting for the purposes of conducting the business of the State Division except where the State Division Executive directs otherwise

(c) The principal office of the State Division will be open during business hours

(d) The State Secretary will keep the registers that must be kept in accordance with these State Divisional rules, the Union's rules or the Act at the principal office of the State Division.

B3 DEFINITIONS

(a) In these Part B rules, unless the contrary intention appears.

(i) "Act" will mean the Industrial Relations Act 1999;

(ii) "CFMEU" means the Construction, Forestry Mining and Energy Union;

(iii) "counterpart federal body" means the CFMEU, Construction and General Division, Queensland Construction Workers Divisional Branch;

(iv) "direct debit" means a scheme where a member provides written authority for contributions payable to the State Division to be deducted, on such regular basis as the State Secretary agrees, from the member's bank account, similar debit account or credit card;

(v) "election procedures" means the procedures provided by rules B29 to B60 of these State Divisional rules;

(vi) "full time" means employed in relation to the State Division for 38 hours or more in any week.

(vii) "Honorary Member" means a Member of the State Division who has applied for and been granted honorary membership pursuant to these State Divisional rules;

(viii) "Life Member" means a member of the State Division who has been appointed as a Life Member pursuant to these State Divisional rules;

(ix) "Member" will mean a member of the State Division who is financial, unless the context clearly provides otherwise, in accordance with rule B7 and includes Honorary Members;

(x) "Office" means, the office of:

(A) State Divisional President;

(B) State Divisional Senior Vice-President;

(C) State Divisional Vice-President;

(D) State Secretary;

(E) State Divisional Assistant Secretary;

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(xi) "Officers Register" means the register kept in accordance with rule B12(d);

(xii) "payroll deduction scheme" means a scheme where a member provides written authority to their employer for contributions payable to the State Division to be deducted, on such regular basis as the State Secretary agrees, from the member's bank account, similar debit account or credit card;

(xiii) "Policy" means policy determined by the State Division;

(xiv) "principal office" means the place of business provided for by rule B2;

(xv) "Register" means the register of members maintained by the State Secretary in accordance with rule B12(a).

(xvi) "State Division" means the State Construction and General Division.

(xvii) "State Divisional Assistant Secretary" means any or all, as the case may be, of the State Divisional Assistant Secretaries unless a rule expressly provides otherwise.

(xviii) "State Divisional Executive" means the committee of management of the State Division as provided by rule B19;

(xix) "State Divisional Journal" means a publication produced, or adopted, by the State Division and which is provided free of charge to the Members by means of print or electronic media;

(xx) "State Secretary" means the secretary of the State Division;

(xxi) "Union" means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

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(b) In these Part B rules:

(i) a reference to the performance of a duty by an officer is inclusive of a reference to the officer causing the duty to be discharged and/or inclusive of the duty being discharged by any other officer holding the written delegation of the relevant officer or the State Executive;

(ii) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(iii) where the last day of any period prescribed or allowed by these Part B rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iv) the singular includes the plural and the plural includes the singular;

(v) a reference to the State Division's callings is a reference to those callings contained in part "A" of the Union's registered callings;

(vi) a reference to a statute includes any:

(A) statute amending, consolidating or replacing the statute, and

(B) regulation made under the statute as that regulation is in force from time to time;

(vii) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced;

(viii) headings will not be taken into account in interpreting these Part B rules;

(ix) a reference to a "rule" is, unless the context clearly indicates otherwise, a reference to a rule of these Part B rules;

(x) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(xi) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xii) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part B rules and that schedule is a part of these Part B rules;

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(xiii) a reference to "administrative regulations", unless the context clearly indicates otherwise, is a reference to administrative regulations to these Part B rules and those administrative regulations are a part of these Part B rules;

(xiv) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June in the year next following;

(xv) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

(xvi) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm.

(c) A reference in a Schedule to these Part B rules to the "rules" is a reference to these Part B rules and all words and phrases in the Schedule have the same meaning as those words and phrases have in these Part B rules.

(d) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows:

(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the C&G Division;

(iii) Part C – the rules that provide for the ME&P District;

and a reference to one of these parts is a reference respectively to parts (i) to (iii)

(iv) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(v) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vi) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(vii) a reference to Divisional rules is a reference to the rules of the Divisions;

(viii) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules;

(ix) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules

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B4. APPLICATION FOR MEMBERSHIP

(a) Applications for membership of the State Division will be:

(i) in the form determined by the State Divisional Executive (for this rule the "application form"); and

(ii) signed by the applicant

(b) The State Division may publish the application form, determined pursuant to sub-rule (a), by the means it considers appropriate

(c) The State Division may, without limitation to sub-rule (b), publish, and accept, applications for membership by means of the internet, and in relation to any applications received by means of the internet the provisions of the Electronic Transactions (Queensland) Act 2001 apply and an applicant for membership will be taken to have signed the application form if the requirements of s14 of the Electronic Transactions (Queensland) Act 2001 are met.

(d) No omission, irregularity or want of form will invalidate an application for membership provided that

(i) the applicant for membership intended the document they submitted to the State Division to be an application for membership, and

(ii) the State Division treated the document submitted as an application form for membership

(e) An applicant for membership will, on the membership application form, state which classification the applicant for membership considers to be their appropriate classification.

(f) All applications for membership are to be delivered to the State Secretary, provided that they may be lodged by means of the internet

(g) An applicant for membership is accepted, subject to sub-rule (h), when the application is received by the State Secretary

(h) The State Secretary may refer an application for membership, where the State Secretary has concerns in relation to:

(i) the applicant's bona fides; and/or

(ii) their stated classification,

to the State Divisional Executive for its determination

(i) Applications for membership, referred in accordance with sub-rule (h) will be considered by the State Divisional Executive, who will, if satisfied with the bona-fides and/or classifications of the applicant for membership, admit the applicant for membership to membership of the State Division.

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(j) The State Divisional Executive may reject an application for membership if they do not accept the applicant is bona fide and/or the classifications do not permit membership of the State Division, provided that where an application for membership is rejected any monies paid by the applicant for membership will be reimbursed to the applicant for membership.

(k) The State Divisional Executive may, when considering an application for membership pursuant to sub-rule (j) make a determination as to the classification of the applicant for membership.

(l) The classification determined in accordance with sub-rule (k), will:

(i) be for the purpose of determining the eligibility of each member to nominate for election to any office within the State Division where election to an office is dependent upon members having a particular classification;

(ii) be conclusive; and

(iii) bind the State Divisional Returning Officer.

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(m) Applicants for membership will, when admitted to membership in accordance with this rule, enjoy all the advantages of membership of the State Division so long as they comply with these State Divisional rules and the Union's rules.

(n) The State Secretary will promptly advise the Union Secretary of:

(i) admission to membership of new members of the State Division; and

(ii) particulars relating to the new members admitted which are required for completion of the Union Register.

B5. ENTRANCE FEE

(a) The State Division may require the payment of an entrance fee in such amount as the State Divisional Executive determines.

(b) The State Division may require the payment of a re-entrance fee in such amount as the State Divisional Executive may determine, provided that:

(i) an applicant for membership who has no arrears of contributions, levies, fines or fees standing against them from a previous period of membership may be required to pay an entrance fee, but not more than 3 months contributions, or

(ii) an applicant who has arrears of contributions, levies, fines or fees standing against them from a previous period of membership may be required to pay an entrance fee, but not more than the equivalent of 12 months contributions.

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B8. SUBSCRIPTIONS

(a) The annual subscription payable by each member will be fixed by the State Divisional Council on the recommendation of the Divisional Executive.

(b) All members over 65 years of age who have had 25 years' continuous membership in the State Division, who through physical infirmities are unable to work continuously in the State Division's callings, may become an Honorary Member by:

(i) making application to the State Secretary; and

(ii) paying a fee of $50, or other amount as may be determined by the State Divisional Executive.

(c) An Honorary Member has, subject to rule B11, the rights provided to financial members pursuant to rule B5

(d) A member who was more than 50 years of age when admitted to membership of the State Division, is not entitled to the benefit of sub-rule (c) but will, on the payment of the application fee to the State Secretary be entitled to receive the State Divisional Journal.

(e) Half year terms begin on the first day of April and October, respectively.

(f) An applicant admitted to membership of the State Division during the currency of any half-year will be credited in the subsequent half-year for such period of the half year as had elapsed before the applicant was admitted, with the credit being calculated on a monthly basis

B8A. LEVIES

(a) The State Divisional Council may, subject to sub-rule (d) set a levy for payment by members:

(i) of the State Division; or

(ii) entitled to participate in a particular Regional Rank and File Meeting; or

(iii) who follow a particular calling of the State Division,

provided that any levies set pursuant to parts (ii) or (iii) may only be utilised, respectively, for the benefit of the Members in the Sub-Branch or who follow the callings concerned.

(b) Levies are to be paid at the same time as subscriptions and may be paid by the following means:

(i) cash;

(ii) cheque/money order;

(iii) credit card; or

(iv) direct debit.

(c) Despite sub-rule (b) where the levy is an amount of less than $50.00 it will be paid as a single payment by the following means:

(i) cash;

(ii) cheque/money order;

(iii) credit card; or

(iv) direct debit.

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(d) The State Divisional Council will determine whether or not members who are apprentices or trainees must pay any levy set pursuant to sub-rule (a).

67. FINANCIAL MEMBERSHIP

(a) Any member who fails to pay entrance fees, re-entrance fees, subscriptions, fines and levies in accordance with these State Divisional rules in advance of the half year terms, ending 31 March and 30 September respectively, for the half year term immediately following will, subject to rule 68, be unfinancial.

(b) Notwithstanding sub-rule (a), any person who has:

(i) been accepted as a member; and

(ii) paid the entrance fee; and

(iii) commenced on a:

(A) pay roll deduction scheme; or

(B) a direct debit scheme; and

(iv) remained on the pay roll deduction or direct debit scheme for a period in excess of 26 weeks; and

(v) been financial on the last day of the previous half year term,

will be a financial member whilst such deductions are continued

(c) The State Divisional Executive may purge from the Register of Members unfinancial members from the members of the Division.

(d) The State Secretary will advise the Union Secretary of the name of any member purged from membership and the date of the member being purged.

68. RIGHTS OF MEMBERS

(a) Only Members, being financial, are entitled to any of the benefits and privileges of membership.

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(b) Only Members are entitled to:

(i) attend meetings of the State Division,

(ii) move, or second, resolutions of the State Division,

(iii) speak at any meeting of the State Division,

(iv) vote in any ballot, or plebiscite, of the State Division;

(v) nominate, or second, nominations for office of the State Division;

(vi) hold office in the State Division;

(vii) receive the State Divisional Journal, or any other publication of the State Division, free of charge;

(viii) receive the Union Journal, or any other publication of the Union, free of charge; and/or

(ix) participate in the business of the State Division or the Union.

(c) Life Members are entitled to

(i) attend meetings of the State Division,

(ii) move, or second, resolutions of the State Division;

(iii) speak at any meeting of the State Division, and/or

(iv) receive the State Divisional Journal, or any other publication of the State Division, free of charge.

89. WAIVER OF FEES

(a) The State Divisional Executive may determine to waive the whole, or any part, of:

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions;

(iv) contributions;

(v) fines;

(vi) levies; and/or

(vii) arrears,

for a member, or group of members, where the State Divisional Executive considers it is appropriate, and to the benefit of the State Division, to do so.

B10. RESIGNATION OF MEMBERS

(a) A member may terminate membership of the State Division by written notice addressed and delivered to the State Secretary

(b) Notification of resignation is given if it is:

(i) left at the principal office of the State Division or

(ii) it is addressed to the State Division, or any officer of the State Division, and is sent to the office of the State Division.

(c) If a member specifies in their notification a day or time at which the resignation from the State Division is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member terminates on the day, or at the time, specified and not before, unless membership is sooner terminated by the State Division in accordance with these State Divisional rules

(d) Termination of membership by resignation does not affect the liability of the member, or former member, to pay any

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions

(iv) contributions.

(v) fines;

(vi) levies, or

(vii) fines,

owing to the State Division at the date of resignation.

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(e) Moneys owed to the State Division may, subject to the Act and the Union's rules, be sued for and recovered in the name of the Union.

(f) The State Secretary will promptly advise the Union Secretary of the name of any member resigning and the date the member resigns.

B11. MEMBERS' OBLIGATIONS TO NOTIFY

(a) A member, being aware of the death of any other member, will promptly notify the State Secretary.

B12 REGISTER OF MEMBERS / REGISTER OF OFFICERS

(a) The State Secretary will keep a State Divisional membership register containing, as far as the State Secretary is able to determine the following information in relation to members, that:

(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) place of employment.

(vi) classification;

(vii) date of admission;

(viii) date of resignation; and

(ix) and any other information required by the Act

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(b) A member changing their member information will notify the State Secretary who will promptly amend the Register.

(c) The Register is, in the event of a member failing to notify any change of their member information pursuant to this rule, conclusive proof for the purposes of these State Divisional rules and the Union's rules of the matters set out in the Register.

(d) The State Secretary will keep a register of officers of the State Division.

(e) The State Secretary will keep a register of officers of the State Division which will contain:

(i) the names,

(ii) the offices held; and

(iii) the addresses,

of the officers of the Union.

(f) A member of the State Division, or a person with a State Divisional member's written authority, may during business hours inspect the Register and the register of officers of the State Division.

(g) The State Secretary will, at the time of changing member information on the State Divisional membership register, advise the Union Secretary of the change in information.

(h) The State Secretary will, at the time of entering an Officers' information on the register of officers advise the Union Secretary and provide any information that the Union Secretary may reasonably require to ensure that the Union's Register of Officers is maintained

(i) The State Secretary will, at the time of changing officer information on the Officers Register, advise the Union Secretary of the change in information

(j) The State Secretary will advise the Union Secretary of the names of any member who has resigned from the District.

B13. RECOVERY OF ARREARS

(a) If any member is in arrears to amount to the subscriptions to be paid for 3 half year terms, the State Secretary will:

(i) cause a notice to be sent to the members last known address; and

(ii) take the necessary steps, inclusive of legal proceedings, to recover the arrears.

(b) Despite Sub-rule (a) the State Secretary may, or the State Divisional Executive from directing the State Secretary to, take other steps to recover arrears of:

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions;

(iv) fines; or

(v) levies

(for the purpose of this rule "arrears")

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(c) The State Secretary may place the collection of arrears in the hands of a solicitor or agent for collection.

(d) Any arrears owing by a member to the State Division for more than one and a half years will be waived by the State Division.

B14. OFFICERS:

(a) The officers of the State Division consist of the:

(i) State Divisional President;

(ii) Two (2) State Divisional Senior Vice-Presidents;

(iii) State Divisional Vice-President (State Division)

(iv) State Divisional Vice-President;

(v) State Secretary;

(vi) State Divisional Assistant Secretaries (the total number of which will be determined in accordance with rule 15) and which will include a State Divisional Assistant Secretary (Plasterers) and may include a State Divisional Assistant Secretary (Painters);

(vii) two (2) State Divisional Executive members;

(viii) State Divisional Council members, and

(ix) organisers as the State Divisional Executive may determine

B15 STATE DIVISIONAL COUNCIL

(a) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(A) Shire of Carpentaria;

(B) Tablelands Region;

(C) City of Townsville;

(D) Shire of Hinchinbrook;

(E) Cassowary Coast Region;

(F) Shire of Yarrabah;

(G) Cairns Region;

(H) Shire of Wujal Wujal;

(I) Shire of Hope Vale;

(J) Shire of Cook;

(K) Shire of Lockhart River;

(L) Shire of Kowanyama;

(M) Shire of Pormpuraaw;

(N) Shire of Aurukun;

(O) Napranum Shire;

(P) Shire of Mapoon; and

(Q) Northern Peninsula Area Region.

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(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(A) Brisbane;

(B) Gold Coast;

(C) Ipswich,

(D) Lockyer Valley,

(E) Logan;

(F) Moreton Bay,

(G) Redland,

(H) Scenic Rim;

(I) Somerset, and

(J) Sunshine Coast.

(b) The State Divisional Council will consist of:



(i) the State Divisional President;

(ii) the State Divisional Senior Vice-Presidents

(iii) the State Divisional Vice-President,

(iv) the State Secretary;

(v) the State Divisional Assistant Secretaries;

(vi) State Divisional Executive Members;

(vii) 12 members on the State Divisional Council who will be elected by and from the two sub-groups as follows

(A) 8 State Divisional Council members who will be elected by, and from, the members who reside in South East Queensland; and

(B) 4 State Divisional Council members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least 1 of the State Divisional Council members will be elected from the members who reside in North Queensland,

subject to the following:

1. in relation to the State Divisional President that the number of:

a. State Divisional Council members elected from (vi)(A) is to be reduced by one if the State Divisional President resides in South East Queensland,

b. State Divisional Council members elected from (vii)(B) is to be reduced by one if the

State Divisional President resides in Regional Queensland;

2. in relation to the State Divisional Senior Vice-Presidents that the number of:

   a. State Divisional Council members elected from (vi)(A) is to be reduced by one or more, if one or more, as the case may be, of the State Divisional Senior Vice-Presidents resides in South East Queensland;

   b State Divisional Council members elected from (vi)(B) is to be reduced by one or more, if one or more, as the case may be, of the State Divisional Senior Vice-Presidents resides in Regional Queensland;

3. in relation to the State Divisional Vice Presidents that the number of:

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   a. State Divisional Council members elected from (vi)(A) is to be reduced by one if one or more, if one or more as the case may be, of the State Divisional Vice Presidents resides in South East Queensland;

   b that the number of State Divisional Council members elected from (vi)(B) is to be reduced by one or more, if one or more, as the case may be, of the State Divisional Vice Presidents resides in Regional Queensland;

4. in relation to the State Divisional Executive Members that the number of:

   a. State Divisional Council members elected from (vii)(A) is to be reduced by one or more, if one or more, as the case may be, of the State Divisional Executive Members resides in South East Queensland.

   b State Divisional Council members elected from (vii)(B) is to be reduced by one or more, if one or more, as the case may be, of the State Divisional Executive Members resides in Regional Queensland; and

   c. the State Divisional Council member elected from (vii)(C) is to be reduced by one if one of the State Divisional Executive Members is elected by and from those members eligible for membership by virtue of rule A7 Section A(e);

(viii) 1 member on the State Divisional Council who shall be elected by and from those eligible for membership by virtue of rule A7 Section A(e).

(c) The offices of:

(i) State Divisional President,

(ii) State Secretary;

(iii) State Divisional Assistant Secretary, and

(iv) State Divisional Organiser,

are the only offices which may, subject to the provisions of this rule, be held by full time, or part time officers and all other officers are honorary.

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(d) A full time officer or employee of the State Division is not eligible to stand for the position of

(i) State Divisional Senior Vice-President, and

(ii) State Divisional Vice-President

(e) The State Divisional Council will, at its first meeting held following a quadrennial election, elect from its members two (2) State Divisional Vice-Presidents who will not, apart from holding the office of State Divisional Council member, hold any other office in the State Division

(f) The election to be held pursuant to sub-rule (c), will be held in accordance with rules B27-B60.

(g) The membership of the State Divisional Council must not be comprised of more than a total of 30% of the State Division's full-time elected officers or full-time employees.

(h)

(i) The

(A) State Secretary; and

(B) State Divisional President,

(C) State Divisional Senior Vice-President; and

(D) State Executive Member,

will, subject to this sub-rule, be elected by and from Members of the State Division, who are eligible to vote and in accordance with these State Divisional rules.

(ii) the State Divisional Assistant Secretary (Plasterers) will be elected from all members of the State Division who are eligible for membership of the State Division by virtue of rule A7 Section A(a).

(iii) the State Divisional Assistant Secretary (Painters) (if any) will be elected from all members of the Union who are eligible for membership of the Union by virtue of rule A7 Section A(b)

(iv) the State Divisional Assistant Secretary (General) will be elected from all members of the State Division who are eligible for membership of the State Division.

(c) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures, determine the number and designation of State Divisional Assistant Secretaries to be elected.

(d) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures, determine which (if any) of the State Divisional Assistant Secretaries are to be honorary.

(e) The State Divisional Council may also determine that:

(i) a Full Time office of State Divisional Assistant Secretary, will, with the consent of the incumbent in that office, revert to an honorary office; or

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(ii) where a casual vacancy arises in an office of State Divisional Assistant Secretary, the State Divisional Council of Management may, prior to filling the vacancy pursuant to these rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

B16. POWERS OF THE DIVISIONAL COUNCIL

(a) The State Divisional Council will exercise

(i) all the powers of the State Division;

(ii) the power to determine the policy of the State Division;

(iii) the power to amend these State Divisional rules;

(iv) the power to seek amendment to the Union's rules; and

(v) powers expressly provided to it by these State Divisional rules.

(b) Despite sub-rule (a)(i) the State Divisional Council will not exercise any powers that are expressly provided to the State Divisional Executive.

B17. MEETINGS OF DIVISIONAL COUNCIL

(a) The State Divisional Council will meet not less than 3 times per year.

(b) The State Secretary will give 10 days notice of a meeting to be held pursuant to sub-rule (a).

(c) A meeting summonsed in accordance with sub-rule (g) will be conducted in person and by means which permit State Divisional Council members to be able to communicate with each other without being physically present.

(d) The State Secretary will, upon the request of the State Divisional President, or at least one quarter of the State Divisional Council members, summon a meeting of the State Divisional Council to be held within 5 days of the receipt of the request by the State Secretary.

(e) The State Secretary must, subject to this rule, give at least 24 hours notice when summoning State Divisional Council members to meetings of the State Divisional Council (pursuant to sub-rule (d)).

(f) A meeting summonsed in accordance with sub-rule (d) will be conducted in person and by means which permit State Divisional Council members to be able to communicate with each other without being physically present

(g) Where the State Divisional President, the State Secretary or 6 members of the State Divisional Council, by requisition in writing, consider that a matter requires urgent attention then the State Secretary .

(i) will summon a special meeting of the State Divisional Council, and

(ii) will give such notice, to the State Divisional Council members, of the meeting as is practicable in the circumstances, and

(iii) a meeting, summonsed in accordance with part (i), may be conducted by:

(A) telephone; and/or

(B) radio; and/or

(C) video; and/or

(D) skype, and/or

(E) or any other method by which State Divisional Council members are able to communicate with each other without being physically present; or

(iv) ballot the State Divisional Council members by means of post, facsimile, E-mail or by such other electronic or telegraphic means as may be available; and

(v) a ballot conducted in accordance with part (iv) will be open for 10 days; and

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(vi) a ballot will be declared when more than ½ plus 1 of the members of State Divisional Council have voted for or against, as the case may be, the resolution balloted.

(h) One half plus one of the number of the State Divisional Council members elected to, and holding office, constitutes quorum.

(i) The State Divisional President may, when the State Divisional President considers it is appropriate to do so and on the request of a State Divisional Council member, grant a State Divisional Council member a leave of absence from attending a meeting of the State Divisional Council.

(j) Where leave of absence is granted pursuant to sub-rule (i), quorum will be one half plus one of the number of the State Divisional Council members elected to, and holding office less the number of State Divisional Council members who have been granted a leave of absence.

(k) If at any meeting of the State Divisional Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting the meeting will be adjourned for not less than 5 days nor more than 10 days.

(l) Members will be given two clear days notice of the date, time and place to which the meeting has been adjourned.

(m) If at the meeting adjourned pursuant to sub-rule (k) no quorum is present, those present will be deemed to be quorum for the purpose of the business to be determined

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(n) A State Divisional Council member absent from three consecutive meetings of the State Divisional Council without satisfactory explanation may be charged and dealt with in accordance with rule B68.

B18. FINANCIAL YEAR

(a) The financial year of the State Division is the 12 month period ending the 31st of December or such other period as the State Divisional Executive determines.

B19. STATE DIVISIONAL EXECUTIVE

(a) There will be a State Divisional Executive comprised of the following:

(i) the State Divisional President; and

(ii) the State Divisional Senior Vice-Presidents; and

(iii) the State Divisional Vice-President (State Division); and

(iv) the State Divisional Vice-President; and

(v) the State Secretary, and

(vi) all the State Divisional Assistant Secretaries; and

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(vii) the State Divisional Executive Member .

(b) The Divisional Executive is the management committee for the Division.

B20. POWERS OF THE DIVISIONAL EXECUTIVE

(a) Between meetings of the State Divisional Council the State Divisional Executive will exercise the powers of the State Division.

(b) All accounts paid by the State Division will be submitted to the State Divisional Executive for ratification.

(c) The State Divisional Executive has control of the State Divisional Fund

(d) The State Divisional Executive may disburse moneys as provided by these State Divisional rules.

(e) The State Divisional Executive may invest the State Divisional Fund as provided by these State Divisional rules.

(f) The State Divisional Executive may delegate authority to the State Secretary to authorise payments, provided that such delegation can relate to:

(i) recurrent expenditure; and/or

(ii) budgeted expenditure; and/or

(iii) specific expenditure; and/or

(iv) expenditure to a limit.

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(g) The State Divisional Executive may make donations not exceeding $500, or such other sum as the State Divisional Council may determine

(h) The State Divisional Executive has the powers as may otherwise be provided by these State Divisional rules, the Union's rules or as may be delegated by the State Divisional Council.

B21. MEETINGS OF THE DIVISIONAL EXECUTIVE

(a) The State Divisional Executive will meet not less than 6 times per year at the times its members determine

(b) The State Secretary will, upon the request of the State Divisional President, or at least 2 other members of the State Divisional Executive, summon a meeting of the State Divisional Executive to be held within 5 days of the receipt of the request by the State Secretary

(c) The State Secretary must, subject to this rule, give at least 24 hours notice when summoning members to meetings of the State Divisional Executive

(d) Where the State Divisional President or the State Secretary consider that a matter requires urgent attention then the State Secretary will:

(i) summon a special meeting of the State Divisional Executive, and

(ii) give notice of the special meeting as is practicable in the circumstances; and

(iii) conduct the meeting by:

(A) telephone, and/or

(B) radio; and/or

(C) video; and/or

(D) skype; and/or

(E) any other method by which members of the State Divisional Executive are able to communicate with each other without being physically present; or

(F) a ballot of the State Divisional Executive members by means of post, facsimile, E-mail, SMS or by such other electronic or telegraphic means as may be available provided that the ballot will be open for 5 days and will be declared when ½ plus 1 of the members of the State Divisional Executive have voted for or against, as the case may be, the resolution balloted.

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(e) If at any meeting of the State Divisional Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting the meeting will be adjourned for not less than 5 days nor more than 10 days.

(f) Members will be given 2 clear days notice of the date, time and place to which the meeting, adjourned pursuant to sub-rule (e), has been adjourned.

(g) If at the meeting, adjourned pursuant to sub-rule (e), when it is reopened no quorum be present, those present will be deemed to be quorum for the purpose of the business to be determined.

(h) One half plus one of the number of the Members of the State Divisional Executive holding office constitutes a quorum.

(i) A member of the State Divisional Executive absent from three consecutive meetings of the State Divisional Executive without satisfactory explanation may be charged and dealt with in accordance with rule B63.

B62. DUTIES OF THE STATE DIVISIONAL PRESIDENT

(a) The State Divisional President will preside at all meetings of the:

(i) State Divisional Council, and

(ii) State Divisional Executive; and

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(iii) State Divisional Convention; and

(iv) State Divisional Delegates; and

(v) convened by the State Divisional Delegates Convention; and

(vi) convened by the State Divisional Council.

(b) The State Divisional President has a deliberative vote only.

(c) In the absence of the State Secretary, the State Divisional President will fulfil the office and perform the duties of the State Secretary and will be the second officer in seniority in the State Division after the State Secretary.

(d) The State Divisional President will carry out duties as may be assigned to the State Divisional President by the State Divisional Council or the State Divisional Executive.

(e) The State Divisional President will conduct the business of meetings in accordance with the standing orders and rules of debate as provided by these State Divisional rules.

(f) The State Divisional President will, upon the minutes being confirmed by a meeting sign the minute book in the presence of the meeting.

(g) The State Divisional President will:

(i) maintain order; and

(ii) act impartially;

at all meetings that the State Divisional President chairs.

B23. DUTIES OF THE STATE DIVISIONAL SENIOR VICE-PRESIDENTS

(a) The State Divisional Senior Vice-Presidents will assist the State Divisional President in the discharge of the State Divisional President's duties pursuant to these State Divisional rules.

(b) In the absence of the State Divisional President, one of the State Divisional Senior Vice-Presidents, approved by the State Divisional Executive, will chair meetings.

(c) In the absence of the State Divisional President, one of the State Divisional Senior Vice-Presidents, approved by the State Divisional Executive, will act as the State Divisional President.

B24. DUTIES OF THE STATE DIVISIONAL VICE-PRESIDENTS

(a) There will be two (2) State Divisional Vice-Presidents.

(b) One of the State Divisional Vice-Presidents will, in accordance with rule A63, have been a member of the State Division prior to Amalgamation Day and fill the office of State Divisional Vice-President (State Division).

until their successor takes office in accordance with these State Divisional rules.

(c) The Divisional Branch Vice-Presidents will have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

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B25. DUTIES OF THE STATE SECRETARY

(a) The State Secretary is the Chief Executive Officer of the State Division and will conduct and manage the affairs of the State Division, subject to these State Divisional rules, between meetings of the State Divisional Executive.

(b) The State Secretary will:

(i) manage and control the State Divisional fund; and

(ii) acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the State Division; and

(iii) sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business and affairs of the State Division, and

(iv) receipt all moneys payable to the State Divisional fund; and

(v) cause to be kept statements of account in relation to the receipts and expenditure of the State Division; and

(vi) submit to each meeting of the State Divisional Executive an interim statement of account current to the end of the week that immediately precedes the State Divisional Executive meeting; and

(vii) cause the preparation of a yearly statement of account, and for the audit of the statement of account in accordance with the Act, and will present the auditors report to the State Divisional Executive and to the State Divisional Council for approval; and

(viii) once the audited report is approved by the State Divisional Council publish it to the members and file it with the Registrar; and

(ix) incur, or authorise the incurring of, expenditure on behalf of the State Division, and

(x) comply with all lawful directions given by State Divisional Council and the State Divisional Executive; and

(xi) comply with Policy; and

(xii) take all reasonable steps to attain the objects of the Union and to carry out these State Divisional rules; and

(xiii) promptly on being directed by the State Divisional Council to do so, deliver any funds, money, property, effect, record or document of the State Division in the State Secretary's possession, custody or control to the person so directed; and

(xiv) keep up-to-date the State Division membership register; and

(xv) keep up-to-date the officers register; and

(xvi) advise the Union Secretary as required; and

(xvii) keep records which show any amounts which a member owes to the State Division; and

(xviii) summon all meetings of the State Divisional Council and the State Divisional Executive; and

(xix) prepare, and circulate to the respective members, an agenda for each meeting of the State Divisional Council and State Divisional Executive; and

(xx) will wherever practicable attend all meetings of the State Division, the State Divisional Council and State Divisional Executive; and

(xxi) keep, in accordance with these State Divisional rules, minutes of meetings; and

(xxii) send and receive correspondence on behalf of the State Division; and

(xxiii) upon request supply to Members, free of charge, a copy of these State Divisional rules; and

(xxiv) be the sole public spokesperson of the State Division, unless:

(A) the State Divisional Executive otherwise directs, or

(B) the State Secretary otherwise delegates.

(c) The State Secretary may make demand for any part of the State Divisional fund or any record or document from any officer of the State Division, the State Divisional Returning Officer or member of the State Division who is in possession, custody or control of the part of the State Divisional fund, record or document concerned.

(d) All expenditure incurred pursuant to sub-rule (b) will be placed before the State Divisional Executive for ratification.

(e) The State Secretary may issue and defend proceedings in the name of the Union, on behalf of the State Division, in regard to any matter relating to the State Division and/or that affects the Members.

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(f) The State Secretary will ensure the State Division is represented in relation to all relevant hearings before:

(i) Commissions; and/or

(ii) Tribunals, and/or

(iii) Boards, and/or

(iv) Courts.

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(g) The State Secretary will direct, subject to these State Divisional rules, the duties of all full time officers and employees of the State Division and will be able, to the extent permitted by these State Divisional rules to delegate the State Secretary's functions.

B26. DUTIES OF THE STATE DIVISIONAL ASSISTANT SECRETARIES

(a) The State Divisional Assistant Secretaries will work under the direction of the State Secretary

(b) The State Divisional Assistant Secretaries will assist the State Secretary in the discharge of the State Secretary's duties pursuant to these State Divisional rules.

(c) In the temporary absence of the State Secretary and the State Divisional President, one of the State Divisional Assistant Secretaries will be appointed by the State Divisional Executive as the Acting State Secretary and will act with the powers, and have the same obligations, as the State Secretary.

B27. STATE DIVISIONAL ORGANISERS

(a) The State Divisional Executive will:

(i) not less than two months prior to the closing of nominations as prescribed in the election procedures, determine the number of State Divisional organisers to be elected; and

(ii) determine the area of the State Division in which State Divisional organisers will reside and operate and may appoint additional State Divisional organisers.

(b) The State Divisional organisers will be under the control of the State Secretary and the State Divisional Executive.

(c) State Divisional organisers will

(i) when required, attend meetings of the:

(A) State Divisional Council; and

(B) State Divisional Executive; and

(ii) perform organising duties as may be directed by the State Secretary; and

(iii) visit workplaces where members of the State Division, and other workers eligible to join, are employed; and

(iv) make every effort to encourage persons eligible to be members of the State Division to apply for membership of the State Division; and

(v) co-operate with all:

(A) Site Delegates; and

(B) chairs of Regional Rank and File Meetings

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(c) State Divisional 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 State Divisional Executive.

(e) The State Divisional Executive may appoint temporary organisers for a period not exceeding 6 months.

(f) Temporary organisers will be subject to the direction of the State Secretary.

B28. NOMINATION

(a) A Member who:

(i) is financial at the time nominations close; and

(ii) has been a financial member of the State Division for the continuous period required for candidates for particular offices as provided for, relevantly, in sub-rule (a); and

(iii) is otherwise, in accordance with these State Divisional rules, entitled to nominate for a particular office.

may nominate for that office.

(b) Provided that any Member, otherwise entitled to nominate for an office, who has:

(i) ceased to work in the classifications that made the person eligible for membership of the State Division; and

(ii) reached the age of 65 years,

cannot nominate for any office.

(c) Provided further that a Member, otherwise entitled to nominate for an office, who has reached the age of 65 years cannot nominate for a full time position.

(d) The continuous period of financial membership required for candidates for election to the State Divisional offices set out in column A, is the respective period set out in column B:

A	B
State Secretary	Three years financial membership
Assistant State Divisional Secretaries	Three years financial membership
State Divisional President	Three years financial membership
State Divisional Senior Vice-President	Three years financial membership
State Divisional Vice-President	Three years financial membership
State Divisional Council Members	One years' financial membership
State Divisional Organisers	One years' financial membership
State Divisional Executive Member	One years' financial membership

(e) The term of office for the positions set out in column A of sub-rule (d):

(i) is, subject to these State Divisional rules four years; and

(ii) commences on, and from, the 2 January in the year following the quadrennial election in 2012 for the offices held in accordance with these State Divisional rules;

(iii) the members elected will hold those offices, subject to death, resignation, or removal from office pursuant to these State Divisional rules or the rules of the Union, until their successors take office in accordance with these State Divisional rules.

(f) A Member wishing to nominate for an office must nominate in the form approved by the State Divisional Executive and which is made available at the principal office and on the State Divisional website.

(g) A member may only nominate for one office.

(h) A nomination form must be signed by the Member nominating and by two other Members and forwarded to the Returning Officer

(i) by facsimile;

(ii) by email (PDF);

(iii) by registered post; or

(iv) delivered.

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prior to the time determined by the Manager of the Election as the closing time for nominations.

(i) The provisions of sub-rule (h) do not apply to the offices of the State Divisional Vice-President and the State Divisional Executive Member.

(j) The State Divisional Vice-President and State Divisional Executive Member will:

(i) commence to hold office from the declaration of results at the 1st meeting of the State Divisional Council following the taking of office by the members of the State Divisional Council following a quadrennial election;

(ii) hold these offices, subject to:

(A) the death; or

(B) resignation; or

(C) removal from the office, or from the office they hold on the State Divisional Council, pursuant to these State Divisional rules or the of the Union's rules,

until their successors take office in accordance with these State Divisional rules.

(k) The quadrennial elections for all offices, set out in column A of sub-rule (d), other than the office of State Divisional Executive Member, will be conducted in accordance with the Election Procedures.

(l) The quadrennial offices of:

(i) State Divisional Vice-President, and

(ii) State Divisional Executive Member,

will be conducted in accordance with rules B27-60.

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B28. ELECTION PROCEDURES DEFINITIONS

(a) Definitions in these election procedures are:

(i) "ballot box" means a ballot box kept under rule B42.

(ii) "candidate", for an election, means a person:

(A) who has nominated as a candidate for the office the election is about; and

(B) whose nomination has been accepted under rule B33; and

(C) whose nomination has not been withdrawn.

(iii) "days" has the meaning provided by the Act

(iv) "eligible member" means a person who was a Member 30 days before the starting time for nominations

(v) "initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

(vi) "Manager of an election" means

(A) the electoral officer conducting the election or ballot; or

(B) if an exemption has been given pursuant to the Act the returning officer then appointed pursuant to the Act to conduct the election.

(vii) "member" means a member of the State Division.

(viii) "preferential voting" will mean

(A) a system of voting in which the voter will place a number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference, and will 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; and

(B) a ballot by the preferential system the valid ballot papers will be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate, and

(C) if on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he/she will be declared elected; and

(D) if no candidate receives an absolute majority the preferences of the candidate receiving the lowest number of votes will be distributed;

(E) the step provided by sub-part (D) will be repeated until a candidate or candidates, as the case may be, are elected.

(ix) "return envelope" see rule 841(a)(ii).

(x) "roll", for an election, means the roll of voters prepared for the election under rule 837

(xi) "scrutineer" means.

(A) a candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a candidate under rule 848

(xii) "State Secretary" means.

(A) the person holding office as the State Division's State Secretary; or

(B) another officer of the Union, however described, who has the functions of the State Division's State Secretary.

(xiii) 'voter' means a person:

(A) who is an eligible member; and

(B) whose name is on the roll

(xiv) "voting material" see rule B41(a).

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B30. MANAGER OF ELECTION—FUNCTIONS AND POWERS

(a) The Manager of an election:

(i) must not influence, or attempt to influence, the outcome of the election; and

(ii) must conduct the election under these election procedures except where the rules expressly provide otherwise; and

(iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(iv) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

(b) The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(i) to ensure no irregularities happen in the election; or

(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

(c) To ensure the integrity of an election, the address for return of ballot papers must not be the State Division's usual postal address.

B31. CLOSING DAY AND TIME FOR NOMINATIONS

(a) The Manager of the election must fix the opening day and closing day for nominations for office

(b) The closing day must be at least 28 days after notice is given under rule B32

(c) Nominations open at midday on the opening day and close at midday on the closing day

B32. STARTING AND FINISHING DAYS OF BALLOT

(a) If a ballot becomes necessary under rule B35, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

(b) The start day must not be before the closing day for nominations for the offices to be filled at the election.

B33. CALLING FOR NOMINATIONS

(a) The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(i) by post to each member at the address recorded in the members register;

(ii) if the State Division publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the State Divisional Journal or newsletter; or

(iii) in a daily newspaper circulating in the area where the State Division's members live or work.

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(b) The notice must state

(i) the opening day for nominations; and

(ii) the closing day for nominations; and

(iii) that nominations for office

(A) open at midday on the opening day; and

(B) close at midday on the closing day; and

(iv) who may nominate as a candidate in the election; and

(v) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under rule 35; and

(vii) that only a person who was a financial member 30 days before the opening time for nominations may vote in the election; and

(viii) that the ballot will be decided by a preferential system of voting.

B34. NOMINATION PROCEDURE

(a) A nomination for office must be written, signed by the nominee, otherwise comply with these State Divisional rules and be given to the Manager of the election before nominations close.

(b) A person may not nominate for more than 1 office.

(c) The Manager of the election must accept a nomination if:

(i) it complies with sub-rule B33(a) and (b), and

(ii) the nominee is an eligible member and is otherwise entitled pursuant to these rules to nominate; and

(iii) the nominators are entitled pursuant to these rules to nominate the nominee; and

(iv) these rules, in so far as they expressly provide in relation to the nomination process, are complied with.

(d) A candidate may withdraw the candidate's nomination by written notice given to the Manager of the election no later than 5 days after nominations close.

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B35. WHAT HAPPENS IF A NOMINATION IS DEFECTIVE

(a) The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

(b) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager of the election must:

(i) reject it; and

(ii) give the nominee notice of the defect; and

(iii) if practicable, give the nominee an opportunity to remedy the defect.

(c) If practicable, the notice must be given before nominations close.

(d) Failure to give the notice does not invalidate the election.

B36. WHEN A BALLOT MUST BE HELD

(a) If there are more candidates for election to an office than the number to be elected, the Manager of the election must conduct a secret postal ballot pursuant to these election procedures.

B37 ELECTION WITHOUT BALLOT

(a) The Manager of the election must declare a candidate elected to an office if:

(i) nominations have closed; and

(ii) the candidate does not hold another office; and

(iii) the candidate has:

(A) not nominated for a higher office; or

(B) nominated for a higher office and is not elected to the higher office; and

(iv) if the election is for State Divisional President or Secretary—the candidate is the only candidate; or

(v) if the election is for another type of office—the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

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B38. ROLL—PREPARATION

(a) A roll for a ballot must be prepared at the direction of the Manager of the election.

(b) The Manager of the election must ensure the roll

(i) states:

(A) the name of each person who is an eligible member of the Union in alphabetical order and

(B) each eligible member's address, opposite their name; and

(C) the Industry Sub-group to which they are allocated pursuant to these rules; and

(ii) is completed when nominations for the election close

(c) The State Division must give the Manager of the election:

(i) a copy of its members register; and

(ii) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

B39. ROLL—INSPECTION

(a) The Manager of the election must make the roll for the election available for inspection.

(i) in the period that:

(A) starts on the day after the roll must be completed under rule B37; and

(B) ends 30 days after the result of the election is declared, and

(ii) at the Manager's office when it is open for business

(b) A candidate, member or a person authorised by the Manager of the election may inspect the roll, free of charge.

(c) If, during the period stated in subrule (a), a candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

B40. WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

(a) Despite rule B37(b), if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

(b) If the Manager of the election is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll

(c) An eligible member is only able to vote in such ballots as is permitted pursuant to these rules.

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B41. BALLOT PAPERS

(a) A ballot paper for the election must:

(i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager of the election or a person authorised by the Manager; and

(ii) be of paper that will hide a vote marked on it from view when it is folded once; and

(iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(iv) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names; and

(v) state how the voter may vote, and

(vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted and

(vii) state that the voter must return the ballot paper to the Manager of the election so it is received on or before the finish day of the ballot

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(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way

Example—

The occupation of each candidate may be added to the ballot paper.

B42 DISTRIBUTING VOTING MATERIAL

(a) The Manager of the election must post the following things (the "voting material") to each voter:

(i) a ballot paper initialled by the Manager;

(ii) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(iii) a ballot envelope and a voting declaration;

(iv) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

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(b) Voting material must be posted to each voter.

(i) in a sealed envelope to the voter's address on the roll; and

(ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

(c) The voting declaration must state

(i) 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.';

(ii) provide for the voter to fill out the voter's name and other identifying factor i.e. membership number,

(iii) a place for the voter to sign the declaration.

(d) If a voter gives the Manager of the election a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

B43. MANAGER MUST KEEP A BALLOT BOX

(a) The Manager of the election must get a ballot box and:

(i) keep the box in a safe place; and

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(i) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes; and

(B) prevents voting material from being taken from it until votes for the ballot are to be counted.

B44. DUPLICATE VOTING MATERIAL



(a) This rule applies if voting material posted to a voter:

(i) has not been received by the voter; or

(ii) has been lost or destroyed; or

(iii) if the document is a ballot paper—has been spoilt.

(b) The voter may apply to the Manager of the election for a duplicate of the document.

(c) The application must:

(i) be received by the Manager of the election on or before the finish day of the ballot; and

(ii) state the grounds on which it is made; and

(iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(iv) state that the voter has not voted at the ballot; and

(v) if the document is a spoilt ballot paper be accompanied by the ballot paper.

(d) If the application complies with sub-rule (c), the Manager of the election must:

(i) if the document is a spoilt ballot paper:

(A) mark 'spoilt' on the paper; and

(B) initial the paper beside that marking and keep the paper; and

(C) give a fresh ballot paper to the voter; or

(ii) otherwise—give a duplicate of the document to the voter.

B45. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 48 days.

B46. HOW TO VOTE

(a) A voter may vote only by completing the following steps:

(i) completing a ballot paper by:

(A) writing a number in order of preference in the square opposite the name of the candidates the voter may vote for under rule B45; and

(B) complying with the instructions on the paper about how to vote.

(ii) putting the ballot paper in a ballot envelope;

(iii) sealing the ballot envelope;

(iv) filling in and signing the voting declaration for the ballot paper;

(v) putting the voting declaration and the ballot envelope in the return envelope;

(vi) sealing the return envelope;

(vii) complying with any direction given under rule B47(3)(iv);

(viii) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

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B47. HOW MANY VOTES MAY BE CAST

(a) A voter will express a preference for each candidate for which the voter is entitled to vote

B48. HOW MANAGER MUST DEAL WITH VOTING MATERIAL

(a) The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended

(b) If, after the finishing day for the election, the Manager of the election receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(i) keep the envelope sealed; and

(ii) mark the envelope 'Received by the Manager after the finishing day for the ballot', and

(iii) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

B48. SCRUTINEERS—APPOINTMENT

(a) A candidate may:

(i) act personally as a scrutineer; or

(ii) appoint another person (an "appointee") as a scrutineer for the candidate

(b) An appointment must be in writing and signed by the candidate.

(c) A candidate must notify the Manager of the election of the name of the candidate's appointee as soon as possible after the appointee is appointed.

(d) The Manager of the election may refuse to allow an appointee to act as a scrutineer if:

(i) the Manager asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

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B50. SCRUTINEERS' RIGHTS

(a) Subject to rule B50, a scrutineer may be present when

(i) ballot papers or other voting material for a ballot are prepared and given to voters; and

(ii) voting material is received and put in safe custody under rule B47; and

(iii) votes are counted.

B51. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule B49 for each official present where the ballot is being conducted.

(b) In sub-rule (a):

(i) 'official' means:

(A) if the ballot is being conducted by the electoral commission—an electoral officer; or

(B) if the ballot is not being conducted by the electoral commission:

(1) the Manager of the election; or

(2) any other person appointed by the Manager to exercise the Manager's powers for the election.

B52. INITIAL SCRUTINY OF VOTING MATERIAL

(a) As soon as possible after the ballot finishes, the Manager of the election must:

(i) seal the ballot box in a way that prevents voting material from being put in it; and

(ii) take the ballot box to the place where votes are to be counted.

(b) The Manager of the election must then:

(i) unseal the ballot box; and

(ii) take out the return envelopes; and

(iii) open each return envelope and take out the ballot envelope and the voting declaration; and

(iv) examine the declaration and mark off the voter's name on the roll; and

(v) check the ballot number on the declaration against the ballot number marked against the voter's name on the roll; and

(vi) ensure the declaration is signed.

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(c) After complying with rule B51(b), the Manager of the election must put the ballot envelopes in a container and the declarations into another container if satisfied:

(i) each declaration is signed; and

(ii) the declaration corresponds with the voter's name and/or the identifying factor on the roll.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers mentioned in rule B51(c) if:

(i) the Manager of the election reasonably believes the voter to whom it was sent did not sign the declaration; or

(ii) the person named on the declaration is not the person to whom it was sent.

(e) Sub-rule (d) does not apply if the Manager of the election is satisfied the person who filled in and signed the declaration:

(i) is a voter; and

(ii) has not previously voted in the ballot; and

(iii) has a reasonable explanation for using someone else's ballot material.

(f) The Manager of the election must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.

(g) A declaration is valid only if:

(i) it complies with sub-rules (c) and (e); and

(ii) sub-rule (d) does not apply.

(h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager of the election.

(i) If a declaration is accepted as valid by the Manager of the election the Manager must:

(i) note the acceptance of validity on the declaration; and

(ii) record the correct ballot number on the roll against the name of the voter who signed the declaration.

(j) After separating the ballot envelopes and declarations, the Manager of the election must, in the following order:

(i) seal the container holding declarations;

(ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;

(iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under rule B52(b)';

(iv) put all of the ballot papers in the ballot box

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B53. COUNTING VOTES

(a) To count votes the Manager of the election must:

(i) admit the formal votes and reject the informal votes; and

(ii) count the formal votes; and

(iii) count the informal votes.

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager of the election and the Manager is not satisfied the paper is authentic, or

(ii) the ballot paper is marked in a way that allows the voter to be identified, or

(iii) the ballot paper is not marked in a way that makes it clear how the voter meant to vote, or

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(iv) the ballot paper does not comply with a direction given under rule B41(a)(iv); or

(v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

B54 SCRUTINEERS' OBJECTIONS

(a) Before votes are counted, a scrutineer may advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot.

(b) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(ii) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(c) If a scrutineer advises the Manager of the election under sub-rules (a) or (b), the Manager must:

(i) decide whether the error has been made; and

(ii) if appropriate—direct action to correct or mitigate the error.

(d) If a scrutineer objects under sub-rule (b)(i), the Manager of the election must:

(i) decide whether the ballot paper is to be admitted or rejected; and

(ii) note the decision on the ballot paper and initial the note.

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B55. DIRECTION BY MANAGER TO LEAVE COUNT

(a) The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(i) does not have the right to be present at the count; or

(ii) interrupts the count, other than to exercise a scrutineer's right.

B56 HOW RESULT IS DECIDED

(a) The method of deciding the result of a ballot is by a preferential system.

(b) The Manager of the election will arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate.

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(i) the manager will count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes will be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager will:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and each of the ballot papers counted to such defeated candidate indicated by the voter's next preference will be distributed amongst non-defeated candidates next in order of the voter's preferences, and after such distribution, the number of votes given to each non-defeated candidate will again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference will be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate will be declared elected;

(C) where there is a multiple office then the count will continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons will be declared elected.

(c) This rule is subject to rules B56 and 57.

B57. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) if the Manager of the election can not decide which candidate is elected to an office because the votes cast for 2 or more candidates are equal, the Manager of the election must decide which candidate is elected by drawing lots.

(b) A decision under sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

B58 WHAT HAPPENS IF MULTIPLE NOMINEE ELECTED

(a) If a candidate is elected to an office, and the candidate is also elected to a higher office, the Manager of the election may only declare the candidate elected to the higher office.

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B58. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The State Secretary may request that the Union Secretary take such steps as may be required in accordance with the Part A rules to make application for an exemption from election ballot.

(b) The State Secretary will take such steps and do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot in accordance with the Part A rules.

(c) In the event of the exemption not being granted, or being only partially granted, the State Secretary will promptly ensure the filing by the Union Secretary of the prescribed material required to be filed in relation to the holding of an election, or a relevant election as the case may be, pursuant to the these Part B rules

B60. ELECTIONS FROM STATE DIVISIONAL COUNCIL

(a) The State Divisional Vice-President and 1 member of the Executive will be elected by a collegiate electoral system.

(b) The electoral college will in relation to the election for the officers referred to in sub-rule (a) be the State Divisional Council

(c) The outgoing State Secretary will appoint, in accordance with the Act, a manager of the election (for the purposes of this rule "the Manager"), and the Manager will be subject to the provisions of the Election Procedures.

(d) The Manager will call for nominations from among members of the electoral college subject to these State Divisional rules, by written notice to each member.

(e) Nominations will be in writing, signed by the candidate and seconded in accordance with these State Divisional rules and will be delivered to the Manager prior to the commencement of the first meeting of the State Divisional Council next following the election of members of the electoral college (for the purposes of this rule the "Meeting")

(f) If the Manager finds that a nomination is defective, the Manager will, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

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(g) The Manager will notify each member of the electoral college of the opening and closing time of the ballot which will be conducted at the meeting.

(h) If at the close of nominations, only the required number of nominations have been received for the offices, the Manager will declare those candidates elected.

(i) If there are more than the required number of candidates for an office, the Manager will conduct at the meeting an election for that office by secret

ballot of the members of the electoral college and by means of a "first past the post system".

(j) The Election Procedures will apply to the count.

(k) Any candidates may appoint a scrutineer, and the Election Procedures in relation to scrutineers will apply.

(l) The Manager will arrange for the preparation of ballot papers on which the candidates names will appear in alphabetical order.

(m) The Manager will initial and hand to each member of the electoral college a ballot paper.

(n) Each member of the electoral college will cast a vote by completing the ballot paper by placing an "x" or other mark in the square against the name of the candidate the voter is voting for, and by placing the completed ballot paper in the ballot box in the control of the Manager.

(o) Any member who will not be present at the meeting at which the ballot is to be held may:

(i) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager will not declare the result of the ballot until such member has been given reasonable opportunity to vote; or

(ii) appoint another member of the electoral college to vote as their proxy and such appointed member will be entitled to vote in their own right and as proxy, provided that no member of the electoral college can exercise more than one proxy vote.

(p) The candidate or candidates securing the highest number of votes will be declared elected.

(q) The Manager will declare the result to the electoral college as soon as the count is completed and will provide a written report to the Division in relation to the declaration.

(r) The candidate or candidates elected will take office upon the declaration by the Manager of the result of the election and each will hold office until their successors are elected.

B61. CASUAL VACANCIES

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(a) Should a casual vacancy occur in any of the offices of the State Division and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy will be filled by the State Divisional Executive unless these State Divisional rules otherwise provide.

(b) Should a casual vacancy occur in any of the offices of the State Division and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the

vacancy will be filled by election in accordance with the election procedures with any necessary modification.

B62 STATE DIVISIONAL DELEGATES CONVENTION

(a) The State Divisional Executive will convene at regular intervals of two years a State Divisional Delegates Convention commencing in 2012

(b) Despite sub-rule (a) the State Divisional Executive may, if it determines it appropriate to do so, convene a meeting of State Divisional Delegates Convention at an earlier interval.

(c) The delegates to the State Divisional Delegates Convention are:

(i) representatives from Regional Rank and File Meetings; and

(ii) worksite representatives from worksites of the State Division; and

(iii) State Divisional Council members, and

(iv) full-time officials of the State Division.

(d) The State Divisional Executive will determine the:

(i) method of financing the State Divisional Delegates Convention, and

(ii) number of delegates that:

(A) Regional Rank and File Meetings; and

(B) worksites of the State Division,

may elect to attend such convention.



(e) A member nominating as a delegate to the State Divisional Delegates Convention must be financial in accordance with these State Divisional rules at the time nominations are called.

(f) Items for the agenda of the State Divisional Delegates Convention:

(i) will be called for at least three months before the State Divisional Delegates Convention meeting commences; and

(ii) be in the hands of delegates to the State Divisional Delegates Convention at least seven days before the State Divisional Delegates Convention commences.

(g) The State Divisional Delegates Convention may recommend to the State Divisional Council proposals for rules and policy.

(h) The determinations of the State Divisional Delegates Convention do not bind the State Divisional Council or the State Divisional Executive, and are recommendatory only.

B53 REGIONAL RANK AND FILE MEETINGS

(a) For the purposes of this rule:

(i) 'area' means a geographical or administrative division in Queensland determined by the State Divisional Executive as being an appropriate division for the purposes of the organisation of the State Division.

(b) The State Division will be divided into areas.

(c) The State Divisional Executive may determine:

(i) upon receipt of a request, in writing, from at least 10 Members; or

(ii) on its own motion,

to establish a Regional Rank and File Meeting in an area to provide for the representation of Members in an area.

(d) The State Division Executive has the power in relation to a Regional Rank and File Meeting to:

(i) vary, or

(ii) merge, or

(iii) dissolve,

a Regional Rank and File Meeting to ensure the effective representation of the interests of the Members in the area concerned, and may attach the Members represented by a Regional Rank and File Meeting to another Regional Rank and File Meeting.

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(e) Where a Regional Rank and File Meeting is established, or dissolved, the State Divisional Executive may alter the area to be represented by other Regional Rank and File Meetings to accommodate the formation of a Regional Rank and File Meeting or the dissolution of a Regional Rank and File Meeting.

(f) The State Secretary must, when the State Divisional Executive determines to establish or dissolve a Regional Rank and File Meeting, promptly inform all affected Members of:

(i) the determination; and

(ii) the effect that that determination has on the areas of any other Regional Rank and File Meeting; and

(iii) where Members are to be transferred the Regional Rank and File Meeting to which they are to be transferred.

(g) A Regional Rank and File Meeting will be bound by any administrative regulation made for that purpose.

(h) A Regional Rank and File Meeting will have a Steering Committee.

(i) Members to a Regional Rank and File Meeting are entitled to be nominated for, be elected to and hold an office on the Steering Committee of the Regional Rank and File Meeting.

(j) A Regional Rank and File Meeting will have such general meetings as:

(i) the Steering Committee may determine; or

(ii) as may be requisitioned by not less than 1/3 of the Members of the Regional Rank and File Meeting.

provided that where a meeting is requisitioned by the Members of the Regional Rank and File Meeting in accordance with this sub-rule then the requisition for the meeting, which will be addressed to the State Secretary, will clearly state the matters to be dealt with at the general meeting and no other matters, or business, are to be dealt with at that meeting.

(k) All necessary books, stationery and postage will be supplied to a Sub-branch upon application made to the State Secretary.

(l) Regional Rank and File Meetings will be bound by Policy

(m) Each Regional Rank and File Meeting will appoint a State Divisional Delegate from amongst the Members of the Regional Rank and File Meeting to attend the State Divisional Delegates Conference.

B64. THE DIVISIONAL FUND

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(a) All monies paid to the account of the State Division will:

(i) be used to administer the State Division in accordance with these State Divisional rules;

(ii) be banked by the State Secretary in the financial facility that the State Divisional Executive determines; and

(iii) for the purpose of these State Divisional rules will be called the State Divisional Fund.

(b) All expenditure from the State Divisional Fund must occur in accordance with these State Divisional rules.

(c) The State Divisional Fund will be used only for the:

(i) carrying out of the objects of the union in respect of the Members of the State Division;

(ii) necessary expenses of management of the State Division; and

(iii) payment of capitation as determined pursuant to the Part A rules.

(h) A Regional Rank and File Meeting will have a Steering Committee.

(i) Members who are entitled to attend a Regional Rank and File Meeting are entitled to be nominated for, be elected to and hold an office on the Steering Committee of the Regional Rank and File Meeting

(j) A Regional Rank and File Meeting will have such general meetings as:

(i) the Steering Committee may determine; or

(ii) as may be requisitioned by not less than 1/3 of the Members of the Regional Rank and File Meeting.

provided that where a meeting is requisitioned by the Members of the Regional Rank and File Meeting in accordance with this sub-rule then the requisition for the meeting, which will be addressed to the State Secretary, will clearly state the matters to be dealt with at the general meeting and no other matters, or business, are to be dealt with at that meeting.

(k) All necessary books, stationery and postage will be supplied to a Sub-branch upon application made to the State Secretary

(l) Regional Rank and File Meetings will be bound by Policy

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B84 THE DIVISIONAL FUND

(a) All monies paid to the account of the State Division will:

(i) be used to administer the State Division in accordance with these State Divisional rules;

(ii) be banked by the State Secretary in the financial facility that the State Divisional Executive determines; and

(iii) for the purposes of these State Divisional rules will be called the State Divisional Fund.

(b) All expenditure from the State Divisional Fund must occur in accordance with these State Divisional rules.

(c) The State Divisional Fund will be used only for the:

(i) carrying out of the objects of the union in respect of the Members of the State Division;

(ii) necessary expenses of management of the State Division; and

(iii) payment of capitation as determined pursuant to the Part A rules.

(d) The surplus funds, or other property, held in the State Divisional Fund will be invested as:

(i) permitted by law; and

(ii) determined by the State Divisional Executive.

(e) All expenditure for ordinary purposes, including the following purposes, maybe disbursed by direction of the State Divisional Executive

(i) the ordinary expenses of management;

(ii) recurrent expenditure;

(iii) budgeted expenditure; and/or

(iv) expenditure by direction of the State Divisional Executive.

(f) The State Secretary may be authorised by the State Divisional Executive to incur expenditure on behalf of the State Division, provided that the State Divisional Executive may withdraw such authorisation at any time or for any period it sees fit.

(g) All expenditure incurred pursuant to this rule will be placed before the State Divisional Executive for consideration and ratification.

(h) The credit balance of any special fund will be maintained at a level determined by the State Divisional Executive.

(i) The name of any account in any financial facility, in relation to which any monies comprising the State Divisional Fund are banked, must include the words:

"Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland, Construction & General State Division – [insert account name]".

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B65. SITE DELEGATES

(a) There will be Site Delegates appointed, in accordance with this rule, in the workplaces of the State Division

(b) The State Divisional Executive has the power to appoint, from the Members, Site Delegates.

(c) The State Divisional Executive has the power to determine procedures for the election of Site Delegates

(d) A majority of Members employed in any area of membership may, in accordance with any procedures determined by the State Divisional Executive pursuant to sub-rule (c), and subject to the approval of the State Divisional Executive, elect from amongst their number a person to act as a Site Delegate.

(e) The Member elected in accordance with sub-rule (d) must promptly advise the State Secretary of the election, who will place the matter