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.

B66 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.

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(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

B87 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.

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B88. 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;

(F) 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;

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(J) lending or selling to some other person their constitution book, badge, OK 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 (7), 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

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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

(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 first 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 B68.

(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

B69. 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

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(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 notice 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.

(k) The provisions of rule B67 will apply to the hearing of any charge or allegation made under this rule

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B70. 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 these 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 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

B71. INTERPRETATION OF DIVISIONAL RULES

(a) The State Divisional Council will interpret all rules of the State Division requiring interpretation.

B72. 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.

B73. DELEGATES

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(a) The State Divisional Executive will appoint delegates to all bodies to which the State Division is affiliated and to which it sends delegates.

B74. 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, videolink, 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

B75. 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 ,and 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.

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(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 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.

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(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

B76. 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.

B77. 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 B76 does not apply to amendment of the administrative regulations.

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B78. 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.

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(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

B79. 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.

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B80 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 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 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 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 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.

B91. 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.

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MINING, ENERGY AND PORTS DISTRICT

PART C RULES

C1. NAME

(a) The name of the division is the Mining, Energy and Ports District.

C2. OFFICE

(b) 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.

C3. 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 C94;

(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);

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(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 C46 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 Districts accounts are made up and correctly record and explain the Districts 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

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C4 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 Union's 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

(c) 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

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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.

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C5 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.

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(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 applicant's 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

C6. 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.

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(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 officers 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.

C7. 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.

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C8 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.

C9. 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.

C10 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.

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(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.

C11 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 and the member otherwise becoming a financial member of the CFMEU; 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.

C13 MEMBERS' ENTITLEMENTS

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(a) Members are entitled to:

(i) attend meetings of their District Lodge or of the District;

(ii) move, or second, resolutions at 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;

(x) inspect, in accordance with these Part C rules, the District Register;

(xi) inspect, in accordance with these Part C rules, the District Officers Register;

(xii) inspect, in accordance with these Part C rules, the minutes of the District;

(xiii) receive, subject to rule C20, a copy of these District rules or of the Union's rules; and

(xiv) access the District's services.

C13. 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.

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C14 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.

C15. 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.

C16. 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.

C17. 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 office 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 became payable to the District during the 12 months prior to the date of resignation

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(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.

C18. 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

(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.

C19. 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.

C20. 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 $5.

(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.

C21 DISTRICT POLICY

(a) District Policy is binding on the:

(i) District Convention;

(ii) District Board.

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(iii) District Executive;

(iv) District Administration Committee;

(v) District Officers;

(vi) District Lodges; and

(vii) members,

provided that District Policy can only be amended in accordance with these District rules.

C22. 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

C23 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,

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(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

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C24. 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

(ii) 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.

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C25. 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.

(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.

C26 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.

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(b) The District Board is the management committee of the Division.

C27 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 C82, 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;

(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;

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(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 C82.

(c) The affiliations of the District will be as determined by the District Board subject to these District rules.

C28 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.

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(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.

(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 either for, or against, the proposition in each matter the subject of a ballot 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.

C29 SPECIAL MEETINGS OF THE DISTRICT BOARD

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(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

(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 (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) 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.

C30. 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 (c) become District Policy.

C31. 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.

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(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 C32.

C32 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.

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C33 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 processings;

(iv) to appoint;

(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 C33;

(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

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(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)

(i) Any industrial agreement proposed to be entered into in accordance with sub-rule (a), will be put 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

C34. 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:

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(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

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.

C35. 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.

C36. 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.

C37 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 reasonably 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.

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(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

C35 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 matters 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.

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(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.

C39. DISTRICT PRESIDENT

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(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;

(ii) 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;

(iii) 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.

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C40. DISTRICT EXECUTIVE VICE-PRESIDENT

(a) The District Executive Vice-President will:

(i) act in conjunction with the:

(A) District President, and

(B) District Secretary,

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

C41. 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.

C42. 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 its 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

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(viii) with the concurrence of the District President, call in all cases of emergency, a special District Board meeting.

C43. 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, Sonoma Leighton;

(ii) District Section Two - Goonyella Riverside BMA, Peak Downs and Moranbah North, Boom Logistics, Broadmeadow BMA, Carborough Downs, McNaughton Goonyella Riverside;

(iii) District Section Three - Bundoora, Foxleigh, Grasstree, Sergyl, Norwich Park, Oaky Creek No 1, Oaky North, Blair Athol, German Creek Open Cut;

(iv) District Section Four - Gregory, Crinum, RUS Mining Crinum, Yongala (Ensham) , Callide Valley, Moura;

(v) District Section Five - Blackwater No 1, Curragh, Curragh North, Jellinbah;

(vi) District Section Six - Tarong Coal Mine, New Oakleigh, New Acland, Commodore Open Cut, Kogan Creek Coal Mine, Kogan Creek Power Station, Wilkie Creek, West Moreton;

(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 (e), 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.

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(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) commonality 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.

C44. 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.

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C45. QUADRENNIAL ELECTIONS

(a) This rule will operate from 2016

(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.

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(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 (c) 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 Distinct 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.

C46. ELECTION PROCEDURES DEFINITIONS

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(a) Definitions in these election procedures are:

(i) "ballot box" means a ballot box kept under rule C50.

(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 C45.

(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 C50.

(xi) "voter" means a person:

(A) who is an eligible member; and

(B) whose name is on the roll

(xii) "voting material" see rule C58(a).

C47. 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.

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(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.

C48 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.

C49 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.

C50 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 members 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.

C51 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

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C52. 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.

C53. 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.

C54 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.

C55. 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 the District Register; and

(ii) access to the District's records reasonably necessary for the Manager of the election to ensure the roll is accurate.

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C56. 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 C55; 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 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 of the election must give the person the copy, free of charge.

C57 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

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C58. 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.

C59. 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.

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(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

C60 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.

C61 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.

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(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.

C62 HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

C63 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 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(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

C64 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

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C65. 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.

C66. 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.

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C67. 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.

C68 SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule C67 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.

C69 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:

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(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.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers 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.

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(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 (b)'; and

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

C70. 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 C58(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

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C71. 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

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

C72. 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.

C73. 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.

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(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 C74 and C75.

C74. 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

C75. 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.

C76. 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:

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(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 contained in the Quadrennial Elections.

C77. 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.

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(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;

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(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 subrule (i), 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 particularise 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

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(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

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) 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 C79.

(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.

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C78. 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 90 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

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.

C79. 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).

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(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(d) 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 notices 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

C80 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

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C81. 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 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.

C82. ENDORSEMENT OF DECISIONS BY DISTRICT LODGES

(a) The District Secretary 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 within 20 days, or such other time as the District Board may direct, of the date on which the District Secretary 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.

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(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).

C83. 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 workplaces;

(vi) the commonality 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 conducted according to the Standing Orders for District Lodge meetings.

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(d) Where there is no District Lodge at a workplace Members will be attached to the Principal Office.

C84. DISTRICT LODGES - MANAGEMENT OF DISTRICT LODGES

(a) Each District Lodge will be managed by a District Lodge Committee consisting of a:

(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

C85 DISTRICT LODGES - POWERS AND DUTIES OF DISTRICT LODGE PRESIDENT

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(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.

C86. 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 monies 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 as the District Secretary requests;

(v) promptly pay to the District Secretary 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

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C87. 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 30 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.

C68. 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 Fund 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, submit an annual return to the District Secretary 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.

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C69. 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.

C70. 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 allocated 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

C81. 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 endorsed 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.

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(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 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 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 considers appropriate.

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(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.

(g) The District Secretary 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 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 or members of the District Lodge Committee.

(j) 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 3 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 to hear and determine the charges within a

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period not less than 10 days and not more than 20 days, following the charges being laid;

(i) 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;

(ii) 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;

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(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.

(f) 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 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 this Part, extend the appointment of an administrator at 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 (i);

(iv) is empowered to make such decisions and do such things as a District Lodge Committee may, pursuant to this rule, be entitled to do.

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(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.

C93. 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.

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C93. 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.

C94 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 monies 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;

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(v) benefit funds administered by the District for the benefit of the District's:

(A) Members;

(B) officers; or

(C) employees;

(vi) 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;

(vii) property acquired by expenditure from, or derived from, the assets of the District fund;

(viii) 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.

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(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.

C65. 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 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;

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(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) *'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.

(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.

C86. MORTUARY BENEFIT FUND

(a) Whereas in accordance with the Rule A61(aa) 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.

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(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.

C97 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

C98. BOOKS AND RECORDS

(a) The District Secretary 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.

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C99 FINANCIAL YEAR

(a) The financial year for the accounting purposes of the District will end at 30 June in each year.

C100. 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.

C101. 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.

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(b) Members have the right to inspect the Financial Statements as provided by the Act.

C102. 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

(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.

C103. 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.

C104. DISSOLUTION OF THE DISTRICT

(a) If the number of Members is 21 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

C105. 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.

C106. 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;

(iii) District Executive;

(iv) District Administration Committee, and

(v) District Lodges.

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(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 wil 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

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(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.

(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 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

C107. 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 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

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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 (h).

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(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 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

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(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 Disinfd 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 6 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
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QUEENSLAND

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No /2013/)

CERTIFICATE OF EXHIBIT

This is the document marked "CPMEUQ7" mentioned in the affidavit of Michael Rayter affirmed before me on this 31st day of October 2013.

Justice of the Peace/Commissioner for Declarations/Lawyer

INDUSTRIAL REGISTRAR
16 NOV 2013
QUEENSLAND

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 319
Industrial Relations Regulation 2011, regulation 62

(Matter No /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

AFFIDAVIT OF MICHAEL RAVBAR

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

I, Michael Ravbar, Union 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 Union 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)(b) will complied with by including the resolutions 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.

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 for 14 2013 in the presence of:

(Signature)
Justice of the Peace/Commissioner for Declarations/lawyer

INDUSTRIAL REGISTRAR
19 NOV 2013
QUEENSLAND

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) 3231-4606
Applicant's fax number: *(if any)*	(07) 3231-4693
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
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INDUSTRIAL REGISTRAR
16 NOV 2013
QUEENSLAND

INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(No /2013/)

CERTIFICATE OF EXHIBIT

This is the document marked "CFMEUQ8" mentioned in the affidavit of Michael Kavbar affirmed before me on this 31st day of October 2013

Angela Stacey Davidson

Justice of the Peace/Commissioner for Declarations/Lawyer

INDUSTRIAL REGISTRAR
18 NOV 2013
QUEENSLAND

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999, section 619
Industrial Relations Regulation 2011, regulation 62

(Matter No. /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

AFFIDAVIT OF DAVID HANNA

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

I, David, Secretary of the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF") of 1/ Level 2, 366 Upper Roma Street, Brisbane in the state of Queensland solemnly and sincerely affirm and declare as follows–

1. I am the Secretary of the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees (the "BLF").

2. I am a member of the management committee of the BLF.

3. I consider 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.

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.

David Hanna

AFFIRMED by the deponent at Brisbane in the State of Qld 2013 in the presence of:

(Signature)
Justice of the Peace/Commissioner for Declarations/Lawyer

INDUSTRIAL REGISTRAR
18 NOV 2013
QUEENSLAND

PARTICULARS OF THE APPLICANT

Name:
Title of office:
Organisation:

Michael Barber
State Secretary
Construction, Forestry, Mining and Energy,
Industrial Union of Employees, Queensland
16 Campbell Street
BOWEN HILLS QLD 4006

Residential or business address:

Hall Payne Lawyers
Ground Floor, 27 Peel Street
SOUTH BRISBANE QLD 4101

Applicant's address for service:

Applicant's phone number or contact phone number:
Applicant's fax number: (if any)

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IF APPLICANT HAS A LAWYER

Applicant's lawyer's name:
and firm name:
Lawyer's business address

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INDUSTRIAL REGISTRAR
18 JUN 2013
QUEENSLAND

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Industrial Relations Act 1999

Effect of Amalgamation - s 620(4)

(RIO/2013/160)

CERTIFICATE OF REGISTRATION OF RULES INCLUDING ELIGIBILITY RULE

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 and registered on amalgamation day 1 May 2014.

Dated at Brisbane this first day of May, 2014.



Acting Industrial Registrar.

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

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

STATE 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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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

(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.

A3. 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 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 MCQ 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;

(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 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 MCQ;

(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:

(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:

(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.

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;

(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;

(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.

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, 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 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 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 purposes 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, 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 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.

(xi) 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 Tracing 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 sectors 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, 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.

(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.

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

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.

(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 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 drainer 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.

A8. 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 MCQ considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCQ, 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 MCQ, 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

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 a geographic, occupational or industry basis and the members of the Division will be attached to the branches.

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.

(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.

(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).

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.

(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 this rule, may request to be issued with a clearance certificate by the Union Secretary.

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 MCQ concerning the resolution of disputes, other than disputes about the attachment of members, between the Divisions;

(ii) make recommendations to the MCQ 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.

(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 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.

A22. MANAGEMENT COMMITTEE QUEENSLAND

(a) The MCQ will consist of the Union Officers.

(b) The MCQ is the management committee of the Union.

A23. 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.

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.

(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 ¾ 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) ¾ 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.

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 MCQ becomes vacant from the date they have ceased to hold office.

A27. 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;

(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 A26.

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

(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.

A31. 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.

(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.

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.

(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.

A37. 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 & 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 Divisional Branch Vice- President	State Divisional Vice-President
Qld & NT Construction Workers Divisional Branch Secretary	State Secretary
Qld & NT Construction Workers Divisional Branch Assistant Secretary (Plasterers) Qld & NT Construction Workers Divisional Branch 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 (Plasterers) State Divisional 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)

(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.

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.

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.

(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.

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(j) 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 C80.

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;

(ii) 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

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 MCQ in relation to defects.

(d) The auditor will have power to place before the MCQ 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 MCQ will appoint an auditor qualified in accordance with this rule as a replacement.

A48. BANKING/DISBURSEMENT

(a) The MCQ may determine in relation to the Union Fund to:

(i) deposit it on current account in the financial facility that the MCQ 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.

(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.

(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 MCQ;

(B) the expenditure is within an authorised amount determined by the MCQ and to be applied for a particular purpose determined by the MCQ; or

(C) the particular transaction has been authorised the MCQ.

A49. 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.

A50. DISPUTE BETWEEN DIVISIONS

(a) Disputes between Divisions as to the attachment of members to Divisions will be determined by the MCQ, and the determination of the MCQ 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 MCQ 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 MCQ 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.

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 MCQ 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.

(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 A56 other than expulsion.

(i) The Union Secretary will inform the officer charged of the charge and the particulars of the charge by notices 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).

A56. 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 MCQ; or

(2) a Union Officer,

on any matter;

(D) obstructing:

(1) the MCQ; 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 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.

A57. 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.

A58. 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 such 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;

(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 MCQ.

(p) Provided that upon the MCQ 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.

A59. 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 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

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.

A61. 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

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;

(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:

(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.

(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.

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 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, 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.

(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 (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) 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 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

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 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	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 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.

(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
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
Coal and Metalliferous 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
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
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 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 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 Find	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 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.

(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 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 MCQ 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 SCG 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 severably 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.

(l) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (i), 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) (h) 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 Amalgamation 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 MCQ 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 B will be held by the Members set out in column A:

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 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

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.

(v) 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;

(w) 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.

(x) There will be an inaugural meeting of the State Divisional Council of the SCG Division held within two (2) months of the commencement day.

(y) There will be an inaugural meeting of the State Divisional Executive of the SCG Division held within one (1) month of the commencement day.

(z) 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 SCG Division.

(aa) 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 SCG Division.

(bb) At 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.

(cc) 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 the BLF 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.

(dd) 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.

(ee)

(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 SCG 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 BLF who were on the day prior to Amalgamation Day attached to a Branch of the BLF, 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 SCG Division set out in column B:

A	B
State Division	
Brisbane	South East Queensland
Cairns	Cairns
Dalby	Dalby
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

(ff) 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.

(gg) 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.

(hh) Workplace Representatives (howsoever 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.

(ii) 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 CFMEUQ FUND	B CFMEUQ FUND
B Divisional Fund	B Divisional Fund

C District Fund	C District Fund
BLF Union Fund	B Divisional Fund

For the purposes of this sub-rule funds are inclusive of real and personal property.

(jj) The liabilities of the State Division on the day preceding Amalgamation Day will be the liabilities of the SCG Division on Amalgamation Day.

(kk) The liabilities of the District will be the liabilities of the District on Amalgamation Day.

(ll) The liabilities of the BLF will become the liabilities of the SCG Division on Amalgamation Day.

(mm) The liabilities of the CFMEUQ and the BLF will become the liabilities of the Amalgamated Union on Amalgamation Day.

(nn) Any affiliation to a state or national organisation by the CFMEUQ or the BLF will be maintained by the Amalgamated Union subject to these rules.

(oo) 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.

(pp) 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.

(qq) 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.

(rr) 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.

(ss) 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.

(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 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.

(vv) The Auditor of the District 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 BLF as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) 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.

(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.

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 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 Senior Vice-President;

(C) State Divisional Vice-President;

(D) State Secretary;

(E) 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) "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 ME&P 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.

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.

(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 (l) 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.

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.

B6. 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.

B6A. 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.

(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).

B7. 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 B9, 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.

B8. 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.

B9. 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.

(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, 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.

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”)

(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 Pompuraaw;

(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 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 (vi)(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:

    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.

(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.

(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.

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 (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 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

(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 (f), 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.

(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

(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.

(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 this 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 B68.

B22. 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) 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.

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 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, 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) Commissions; 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.

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.

(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.

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 (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 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,

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 those 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 conduced in accordance with rules B27-60.

B29. 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 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:

(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).

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.

(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.

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.

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 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.

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.

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.

(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.

(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

(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.

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 49 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 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.

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.

B49. 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.

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.

(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.

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

(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.

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:

(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 such 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 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.

B59. 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.

(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

(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, it 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.

B63. 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.

(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 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.

(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

(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.

(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]".

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

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.

B66. 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.

B67. 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.

B68. 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, OK 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) <u>Processing of Charges</u>

(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 (f), 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 B68.

(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.

B69. 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.

(k) The provisions of rule B67 will apply to the hearing of any charge or allegation made under this rule.

B70. 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 these 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 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.

B71. INTERPRETATION OF DIVISIONAL RULES

(a) The State Divisional Council will interpret all rules of the State Division requiring interpretation.

B72. 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.

B73. 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.

B74. 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, videolink, 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.

B75. 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 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.

B76. 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.

B77. 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 B73 does not apply to amendment of the administrative regulations.

B78. 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.

B79. 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.

B80. 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 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.

(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 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) .

(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 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.

(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 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 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.

B81. 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.

MINING, ENERGY AND PORTS DISTRICT

PART C RULES

C1. NAME

(a) The name of the division is the Mining, Energy and Ports District.

C2. OFFICE

(b) 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.

C3. 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 C94;

(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 C46 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 Districts accounts are made up and correctly record and explain the Districts 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.

C4. 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 Union's 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.

C5. 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

(ii) particulars relating to the new members admitted which are required for completion of the District Register.

C6. 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.

(g) The District Secretary will, at the time of entering an officers 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.

C7. 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.

C8. 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.

C9. 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.

C10. 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.

C11. 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 and the member otherwise becoming a financial member of the CFMEU; 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.

C12. 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;

(x) inspect, in accordance with these Part C rules, the District Register;

(xi) inspect, in accordance with these Part C rules, the District Officers Register;

(xii) inspect, in accordance with these Part C rules, the minutes of the District;

(xiii) receive, subject to rule C20, a copy of these District rules or of the Union's rules; and

(xiv) access the District's services.

C13. 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.

C14. 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.

C15. 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.

C16. 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

(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.

C17. 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 became 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.

C18. 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:

(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.

C19. 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.

C20. 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 $5.

(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.

C21. DISTRICT POLICY

(a) District Policy is binding on the:

(i) District Convention;

(ii) District Board;

(iii) District Executive;

(iv) District Administration Committee;

(v) District Officers;

(vi) District Lodges; and

(vii) members,

provided that District Policy can only be amended in accordance with these District rules.

C22. 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.

C23. 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.

C24. 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

(ii) 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.

C25. 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.

(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 (c) become District Policy.

C26. 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.

C27. 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 C82, 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;

(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 fulltime 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 C82.

(c) The affiliations of the District will be as determined by the District Board subject to these District rules.

C28. 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.

(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 either for, or against, the proposition in each matter the subject of a ballot 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.

C29. 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:

(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 (e), 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.

(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.

C30. 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 (c) become District Policy.

C31. 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.

C32. 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.

C33. 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:

(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 C53;

(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)

(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.

C34. 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

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.

C35. 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.

C36. 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

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.

C37. 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.

C38. 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 matters 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.

C39. 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;

(ii) 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;

(iii) 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.

C40. DISTRICT EXECUTIVE VICE-PRESIDENT

(a) The District Executive Vice-President will:

(i) act in conjunction with the:

(A) District President; and

(B) District Secretary,

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.

C41. 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.

C42. 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:

(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

(viii) with the concurrence of the District President, call in all cases of emergency, a special District Board meeting.

C43. 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, Sonoma Leighton;

(ii) District Section Two - Goonyella Riverside BMA, Peak Downs and Moranbah North, Boom Logisitics, Broadmeadow BMA, Carborough Downs, McMahons Goonyella Riverside;

(iii) District Section Three - Bundoora, Foxleigh, Grasstree, Saraji, Norwich Park, Oaky Creek No 1, Oaky North, Blair Athol, German Creek Open Cut;

(iv) District Section Four - Gregory, Crinum, RUS Mining Crinum, Yongala (Ensham) , Callide Valley, Moura;

(v) District Section Five - Blackwater No 1, Curragh, Curragh North, Jellinbah;

(vi) District Section Six - Tarong Coal Mine, New Oakleigh, New Acland, Commodore Open Cut, Kogan Creek Coal Mine, Kogan Creek Power Station, Wilkie Creek, West Moreton;

(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 (e), 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) commonality 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.

C44. 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.

C45. QUADRENNIAL ELECTIONS

(a) This rule will operate from 2016.

(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.

C46. 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.

(vii) "member" means a Member of the District.

(viii) "return envelope" see rule C59(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 C66.

(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).

C47. 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.

C48. 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.

C49. 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.

C50. 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 members 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;

(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.

C51. 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.

C52. 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.

C53. 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.

C54. 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.

C55. 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.

C56. 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 C55; 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 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 of the election must give the person the copy, free of charge.

C57. 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.

C58. 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.

C59. 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.

C60. 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.

C61. 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.

C62. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

C63. 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 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(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.

C64. 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.

C65. 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.

C66. 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.

C67. SCRUTINEERS' RIGHTS

(a) Subject to rule C66, 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.

C68. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule C67 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.

C69. 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.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers 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 (b); and

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

C70. 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.

C71. 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

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

C72. 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.

C73. 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 C74 and C75.

C74. 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.

C75. 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.

C76. 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.

C77. 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 or 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) <u>Processing of Charges</u>

(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 particularise 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

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) 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 C79.

(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.

C78. 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

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.

C79. 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(d) 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 notices 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.

C80. 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.

C81. 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 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.

C82. ENDORSEMENT OF DECISIONS BY DISTRICT LODGES

(a) The District Secretary 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 within 20 days, or such other time as the District Board may direct, of the date on which the District Secretary 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).

C83. 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) minesite;

(v) the number of Members at the workplace;

(vi) the commonality 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 conducted 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.

C84. DISTRICT LODGES - MANAGEMENT OF DISTRICT LODGES

(a) Each District Lodge will be managed by a District Lodge Committee consisting of a:

(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.

C85. 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.

C86. 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 monies 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 as the District Secretary requests;

(v) promptly pay to the District Secretary 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.

C87. 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.

C88. 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 Fund 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, submit an annual return to the District Secretary 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.

C89. 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.

C90. 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.

C91. 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 endorsed 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 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 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 considers 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.

(g) The District Secretary 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 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 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 3 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 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 if 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 this Part, extend the appointment of an administrator at 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 this 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.

C92. 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.

C93. 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.

C94. 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 monies 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) property 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.

C95. 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 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.

(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) *"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.

(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.

C96. 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.

C97. 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.

C98. BOOKS AND RECORDS

(a) The District Secretary 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.

C99. FINANCIAL YEAR

(a) The financial year for the accounting purposes of the District will end at 30 June in each year.

C100. 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.

C101. 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.

C102. 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

(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.

C103. 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.

C104. DISSOLUTION OF THE DISTRICT

(a) If the number of Members is 21 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.

C105. 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.

C106. 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;

(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.

(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 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.

C107. 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 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.

(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 (h) .

(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 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.

(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.

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Industrial Relations Act 1999, section 477

(Matter No. 17 /2016)

QUEENSLAND

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

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 Stephen Smyth being respectively the Union Secretary and the Union President of the Construction, Forestry, Mining & 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 Chapter 12, Part 6, Division 2, Sub-Division 2, sections 477 - 479 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 Divisional Council of the State Construction and General Division 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.

.....
Michael Ravbar
Union Secretary
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Date: 23/12/... 2016

.....
Stephen Smyth
Union President
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland
Date: 23/12/... 2016

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SCHEDULE 1

I, Michael Rovbar, Union Secretary of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("the CFMEUQ"), solemnly and sincerely affirm, and declare, as follows:

1. I am the Union Secretary of the CFMEUQ.

2. As well as holding the office of Union Secretary I also hold the office of State Secretary ("the State Secretary") of the State Construction and General Division of the CFMEUQ ("the State Division")

3. Rule B74 of the rules of the State Division provides for the amendment of the rules of the State Division:

B74 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 so to do

(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, videofax, radio or skype.

of the State Divisional Council members as determined, 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.

4. In accordance with the rules, a proposal to amend the rules of the Division was moved, without notice, at a meeting of the State Divisional Council of the State Division ("the Divisional Council") held on the 26 February 2016 ("the Meeting").

5. The proposed resolution was to amend rules B22 and B26 of the State Division and was moved by Dean Kupsch and seconded by Keith Murphy in the following terms:

That the rules of the State Construction General Division be amended as follows:

'rule B22 be deleted in its entirety and replaced with:

'B22 DUTIES OF THE STATE DIVISIONAL PRESIDENT'

(a) The State Divisional President will preside at all meetings:

(i) of the State Divisional Council, and

(ii) of the State Divisional Executive; and

(iii) of the State Divisional Convention; and

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(iv) of the 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."

and,

that the words "and the State Divisional President," in rule B25(c) be deleted so that rule B26 is:

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 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.

6. The Divisional Council unanimously determined to amend the rule.

7. The Meeting was quorate.

8. The Divisional Council has consequently determined, by the requisite majority required by rule B74(b) in relation to resolutions to amend rules without notice, to amend the rules of the State Division.

9 The rules of the State Division have been complied with in making the application to amend the rules.

10. A copy of the resolution passed is annexed and marked 'MR1'.

11 Rule A57 of the CFMEUQ provides for the amendment of its rules in the following terms:

A57. 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) no 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 14 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 committee of the relevant Division 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.

12. As Union Secretary I was 'advised' of the proposed amendment of the rules of the State Division when I, as State Secretary, became aware of the unanimous resolution of the Divisional Council.

13. Consequently, and in accordance with rule A37, as Union Secretary I have (together with the Union President) promptly made application to the Registrar for certification of the amendment to the rules of the State Division of the CFMEUQ.

14. Exhibited hereto and marked Schedule 3 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.

15. The proposed amendments do not contravene the Act, another law or an industrial instrument.

16. The purpose of the amendments is to provide for which officer of the State Division will act in the temporary absence of the State Secretary.

17. Under the CFMEUQ rules I am authorised to make the application the subject of this affidavit in conjunction with the Union President.

18. 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
Union Secretary
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

AFFIRMED by the deponent at Brisbane on 23 March, 2016
before me

..... (signed)

..... (full name)

Justice of the peace/commissioner for declarations/lawyer

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PARTICULAR OF THE APPLICANT

Name:	Michael Ravbar
Title of office:	Union Secretary
Organisation:	Construction, Forestry, Mining & 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 Level, 27 Peel Street SOUTH BRISBANE QLD 4101
Applicant's phone number or contact phone number:	(07) 3017-2400
Applicant's fax number:	(07) 3017-2499

IF APPLICANT HAS A LAWYER

Applicant's lawyer's name:	John Payne
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):	johnp@hallpayne.com.au

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Industrial Relations Act 1999, section 477

(Matter No /2016)

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

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

CERTIFICATE OF EXHIBIT

Exhibit "MR3" to the Affidavit of Michael Rayner affirmed on 23 March 2016.

Deponent

Solicitor/Barrister/Commissioner for Declarations/lawyer

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MINUTES OF THE STATE DIVISIONAL COUNCIL OF THE CONSTRUCTION, FORESTRY, MINING AND ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND CONSTRUCTION AND GENERAL DIVISION HELD AT 16 CAMPBELL STREET, BOWEN HILLS, ON FRIDAY 26 FEBRUARY 2016 at 3:35PM

Present: Michael Ravbar, Jade Ingham, Royce Kupsch, Dean Kupsch, Peter Close, Wayne Scobie, Shaun Weatherall, Jack Cummins, Paul Barber, Tony Dougherty, Andrew Clark, Ian McKewin, Dallas Barry, James Fissenden, Steve Anderson, Keith Murphy, Marcus Bittman, Paul Maher, Jack O'Hara

Observers: Wayne O'Neil

Apologies: Tom Smith, Steve Gaskin, Dallas Hunter, Kevin Herman, Laurie Geurich, Brad Daniels

PREVIOUS MINUTES:

Decision: *It was agreed the minutes taken on 23 October 2015 were a true and correct record.*

Moved: James Fissenden **Seconded:** Steve Anderson

UNION RULE CHANGE

The State Secretary reported on the proposed rule change.

Decision: *As the State Secretary, I consider that the rules of the State Construction and General Division should be amended, in the terms set out in the proposed rule amendment, and I consider that there is some urgency in doing so, so as to ensure that the rules are certain, are consistent with the rules of the national union and provide appropriate governance.*

1. *That the rules of the State Construction General Division be amended as follows:*

   (a) *rule 822 be deleted in its entirety and replaced with:*

   '822 DUTIES OF THE STATE DIVISIONAL PRESIDENT'

   (a) *The State Divisional President will preside at all meetings:*

   (i) *of the State Divisional Council; and*

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(ii) *of the State Divisional Executive; and*

(iii) *of the State Divisional Convention; and*

(iv) *of the 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.'

(b) *that the words 'and the State Divisional President,' in rule B26(c) be deleted so that rule B26 is:*

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 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.*

Moved: Dean Kupsch Seconded: Keith Murphy

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There being no further business the meeting closed at 4:15pm

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SCHEDULE 2

Present replaceable rule	Description of the amendment sought	Replacement rule (including the amendment
B22. DUTIES OF THE STATE DIVISIONAL PRESIDENT	Rule B22 is to be deleted in its entirety and replaced with a new rule B22.	**B22. DUTIES OF THE STATE DIVISIONAL PRESIDENT**
(a) The State Divisional President will preside at all meetings of the:		(a) The State Divisional President will preside at all meetings:
(i) State Divisional Council; and		(i) of the State Divisional Council, and
(ii) State Divisional Executive; and		(ii) of the State Divisional Executive, and
(iii) State Divisional Convention; and		(iii) of the State Divisional Committee and
(iv) State Divisional Delegates; and		(iv) of the State Divisional Delegates; and
(v) convened by the State Divisional Delegates Convention; and		(v) convened by the State Divisional Delegates Convention, and
(vi) convened by the State Divisional Council.		(vi) convened by the State Divisional Council.
(b) The State Divisional President has a deliberative		(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

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role 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 record officer in conjunction with the State Division when 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 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 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.

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President will: (i) maintain order; and (ii) act impartially, at all meetings that the State Divisional President chairs.			
B23. 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	The words 'and the State Divisional President,' in rule B23(c) be deleted.	B28. 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 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.	

Acting State Secretary and will act with the powers, and have the same obligations, as the State Secretary.	

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

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STATE CONSTRUCTION & GENERAL DIVISION

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MINING, ENERGY AND PORTS DISTRICT

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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

(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.

A3. 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 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 MCQ 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;

(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 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 MCQ;

(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:

(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:

(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.

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;

(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;

(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.

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, 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 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 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 purposes 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, 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 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.

(xi) 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 Tracing 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 sectors 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, 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.

(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.

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

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.

(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 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 drainer 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.

A8. 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 MCQ considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCQ, 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 MCQ, 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

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 a geographic, occupational or industry basis and the members of the Division will be attached to the branches.

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.

(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.

(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).

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.

(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 this rule, may request to be issued with a clearance certificate by the Union Secretary.

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 MCQ concerning the resolution of disputes, other than disputes about the attachment of members, between the Divisions;

(ii) make recommendations to the MCQ 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.

(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 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.

A22. MANAGEMENT COMMITTEE QUEENSLAND

(a) The MCQ will consist of the Union Officers.

(b) The MCQ is the management committee of the Union.

A23. 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.

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.

(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 ¾ 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) ¾ 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.

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 MCQ becomes vacant from the date they have ceased to hold office.

A27. 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;

(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 A26.

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

(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.

A31. 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.

(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.

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.

(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.

A37. 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 & 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 Divisional Branch Vice- President	State Divisional Vice-President
Qld & NT Construction Workers Divisional Branch Secretary	State Secretary
Qld & NT Construction Workers Divisional Branch Assistant Secretary (Plasterers) Qld & NT Construction Workers Divisional Branch 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 (Plasterers) State Divisional 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)

(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.

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.

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.

(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.

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(j) 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 C80.

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;

(ii) 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

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 MCQ in relation to defects.

(d) The auditor will have power to place before the MCQ 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 MCQ will appoint an auditor qualified in accordance with this rule as a replacement.

A48. BANKING/DISBURSEMENT

(a) The MCQ may determine in relation to the Union Fund to:

(i) deposit it on current account in the financial facility that the MCQ 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.

(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.

(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 MCQ;

(B) the expenditure is within an authorised amount determined by the MCQ and to be applied for a particular purpose determined by the MCQ; or

(C) the particular transaction has been authorised the MCQ.

A49. 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.

A50. DISPUTE BETWEEN DIVISIONS

(a) Disputes between Divisions as to the attachment of members to Divisions will be determined by the MCQ, and the determination of the MCQ 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 MCQ 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 MCQ 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.

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 MCQ 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.

(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 A56 other than expulsion.

(i) The Union Secretary will inform the officer charged of the charge and the particulars of the charge by notices 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).

A56. 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 MCQ; or

(2) a Union Officer,

on any matter;

(D) obstructing:

(1) the MCQ; 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 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.

A57. 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.

A58. 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 such 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;

(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 MCQ.

(p) Provided that upon the MCQ 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.

A59. 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 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

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.

A61. 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

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;

(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:

(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.

(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.

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 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, 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.

(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 (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) 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 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

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 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	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 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.

(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
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
Coal and Metalliferous 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
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
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 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 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 Find	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 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.

(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 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 MCQ 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 SCG 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 severably 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.

(l) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (i), 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) (h) 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 Amalgamation 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 MCQ 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 B will be held by the Members set out in column A:

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 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

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.

(v) 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;

(w) 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.

(x) There will be an inaugural meeting of the State Divisional Council of the SCG Division held within two (2) months of the commencement day.

(y) There will be an inaugural meeting of the State Divisional Executive of the SCG Division held within one (1) month of the commencement day.

(z) 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 SCG Division.

(aa) 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 SCG Division.

(bb) At 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.

(cc) 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 the BLF 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.

(dd) 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.

(ee)

(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 SCG 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 BLF who were on the day prior to Amalgamation Day attached to a Branch of the BLF, 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 SCG Division set out in column B:

A	B
State Division	
Brisbane	South East Queensland
Cairns	Cairns
Dalby	Dalby
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

(ff) 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.

(gg) 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.

(hh) Workplace Representatives (howsoever 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.

(ii) 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 CFMEUQ FUND	B CFMEUQ FUND
B Divisional Fund	B Divisional Fund

C District Fund	C District Fund
BLF Union Fund	B Divisional Fund

For the purposes of this sub-rule funds are inclusive of real and personal property.

(jj) The liabilities of the State Division on the day preceding Amalgamation Day will be the liabilities of the SCG Division on Amalgamation Day.

(kk) The liabilities of the District will be the liabilities of the District on Amalgamation Day.

(ll) The liabilities of the BLF will become the liabilities of the SCG Division on Amalgamation Day.

(mm) The liabilities of the CFMEUQ and the BLF will become the liabilities of the Amalgamated Union on Amalgamation Day.

(nn) Any affiliation to a state or national organisation by the CFMEUQ or the BLF will be maintained by the Amalgamated Union subject to these rules.

(oo) 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.

(pp) 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.

(qq) 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.

(rr) 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.

(ss) 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.

(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 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.

(vv) The Auditor of the District 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 BLF as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) 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.

(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.

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 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 Senior Vice-President;

(C) State Divisional Vice-President;

(D) State Secretary;

(E) 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) "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 ME&P 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.

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.

(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 (l) 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.

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.

B6. 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.

B6A. 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.

(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).

B7. 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 B9, 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.

B8. 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.

B9. 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.

(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, 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.

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”)

(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 Pompuraaw;

(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 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 (vi)(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:

    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.

(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.

(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.

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 (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 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

(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 (f), 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.

(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

(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.

(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 this 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 B68.

B22. DUTIES OF THE STATE DIVISIONAL PRESIDENT

(a) The State Divisional President will preside at all meetings:

(i) of the State Divisional Council; and

(ii) of the State Divisional Executive; and

(iii) of the State Divisional Convention; and

(iv) of the 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.

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.

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 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, 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) Commissions; 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.

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 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.

(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.

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 (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 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,

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 those 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 conduced in accordance with rules B27-60.

B29. 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 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:

(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).

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.

(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.

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.

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 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.

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.

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.

(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.

(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

(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.

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 49 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 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.

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.

B49. 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.

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.

(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.

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

(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.

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:

(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 such 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 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.

B59. 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.

(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

(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, it 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.

B63. 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.

(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 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.

(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

(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.

(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]".

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 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.

B66. 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.

B67. 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.

B68. 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, OK 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 (f), 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 B68.

(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.

B69. 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.

(k) The provisions of rule B67 will apply to the hearing of any charge or allegation made under this rule.

B70. 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 these 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 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.

B71. INTERPRETATION OF DIVISIONAL RULES

(a) The State Divisional Council will interpret all rules of the State Division requiring interpretation.

B72. 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.

B73. 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.

B74. 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, videolink, 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.

B75. 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 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.

B76. 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.

B77. 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 B73 does not apply to amendment of the administrative regulations.

B78. 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.

B79. 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.

B80. 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 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.

(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 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) .

(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 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.

(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 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 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.

B81. 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.

MINING, ENERGY AND PORTS DISTRICT

PART C RULES

C1. NAME

(a) The name of the division is the Mining, Energy and Ports District.

C2. OFFICE

(b) 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.

C3. 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 C94;

(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 C46 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 Districts accounts are made up and correctly record and explain the Districts 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.

C4. 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 Union's 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.

C5. 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

(ii) particulars relating to the new members admitted which are required for completion of the District Register.

C6. 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.

(g) The District Secretary will, at the time of entering an officers 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.

C7. 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.

C8. 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.

C9. 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.

C10. 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.

C11. 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 and the member otherwise becoming a financial member of the CFMEU; 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.

C12. 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;

(x) inspect, in accordance with these Part C rules, the District Register;

(xi) inspect, in accordance with these Part C rules, the District Officers Register;

(xii) inspect, in accordance with these Part C rules, the minutes of the District;

(xiii) receive, subject to rule C20, a copy of these District rules or of the Union's rules; and

(xiv) access the District's services.

C13. 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.

C14. 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.

C15. 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.

C16. 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

(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.

C17. 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 became 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.

C18. 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:

(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.

C19. 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.

C20. 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 $5.

(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.

C21. DISTRICT POLICY

(a) District Policy is binding on the:

(i) District Convention;

(ii) District Board;

(iii) District Executive;

(iv) District Administration Committee;

(v) District Officers;

(vi) District Lodges; and

(vii) members,

provided that District Policy can only be amended in accordance with these District rules.

C22. 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.

C23. 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.

C24. 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

(ii) 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.

C25. 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.

(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 (c) become District Policy.

C26. 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.

C27. 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 C82, 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;

(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 fulltime 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 C82.

(c) The affiliations of the District will be as determined by the District Board subject to these District rules.

C28. 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.

(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 either for, or against, the proposition in each matter the subject of a ballot 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.

C29. 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:

(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 (e), 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.

(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.

C30. 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 (c) become District Policy.

C31. 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.

C32. 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.

C33. 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:

(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 C53;

(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)

(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.

C34. 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

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.

C35. 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.

C36. 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

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.

C37. 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.

C38. 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 matters 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.

C39. 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;

(ii) 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;

(iii) 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.

C40. DISTRICT EXECUTIVE VICE-PRESIDENT

(a) The District Executive Vice-President will:

(i) act in conjunction with the:

(A) District President; and

(B) District Secretary,

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.

C41. 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.

C42. 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:

(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

(viii) with the concurrence of the District President, call in all cases of emergency, a special District Board meeting.

C43. 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, Sonoma Leighton;

(ii) District Section Two - Goonyella Riverside BMA, Peak Downs and Moranbah North, Boom Logisitics, Broadmeadow BMA, Carborough Downs, McMahons Goonyella Riverside;

(iii) District Section Three - Bundoora, Foxleigh, Grasstree, Saraji, Norwich Park, Oaky Creek No 1, Oaky North, Blair Athol, German Creek Open Cut;

(iv) District Section Four - Gregory, Crinum, RUS Mining Crinum, Yongala (Ensham) , Callide Valley, Moura;

(v) District Section Five - Blackwater No 1, Curragh, Curragh North, Jellinbah;

(vi) District Section Six - Tarong Coal Mine, New Oakleigh, New Acland, Commodore Open Cut, Kogan Creek Coal Mine, Kogan Creek Power Station, Wilkie Creek, West Moreton;

(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 (e), 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) commonality 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.

C44. 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.

C45. QUADRENNIAL ELECTIONS

(a) This rule will operate from 2016.

(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.

C46. 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.

(vii) "member" means a Member of the District.

(viii) "return envelope" see rule C59(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 C66.

(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).

C47. 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.

C48. 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.

C49. 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.

C50. 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 members 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;

(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.

C51. 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.

C52. 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.

C53. 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.

C54. 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.

C55. 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.

C56. 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 C55; 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 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 of the election must give the person the copy, free of charge.

C57. 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.

C58. 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.

C59. 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.

C60. 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.

C61. 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.

C62. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

C63. 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 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(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.

C64. 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.

C65. 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.

C66. 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.

C67. SCRUTINEERS' RIGHTS

(a) Subject to rule C66, 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.

C68. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule C67 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.

C69. 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.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers 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 (b); and

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

C70. 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.

C71. 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

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

C72. 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.

C73. 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 C74 and C75.

C74. 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.

C75. 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.

C76. 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.

C77. 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 or 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) <u>Processing of Charges</u>

(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 particularise 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

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) 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 C79.

(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.

C78. 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

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.

C79. 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(d) 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 notices 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.

C80. 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.

C81. 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 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.

C82. ENDORSEMENT OF DECISIONS BY DISTRICT LODGES

(a) The District Secretary 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 within 20 days, or such other time as the District Board may direct, of the date on which the District Secretary 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).

C83. 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) minesite;

(v) the number of Members at the workplace;

(vi) the commonality 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 conducted 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.

C84. DISTRICT LODGES - MANAGEMENT OF DISTRICT LODGES

(a) Each District Lodge will be managed by a District Lodge Committee consisting of a:

(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.

C85. 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.

C86. 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 monies 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 as the District Secretary requests;

(v) promptly pay to the District Secretary 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.

C87. 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.

C88. 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 Fund 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, submit an annual return to the District Secretary 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.

C89. 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.

C90. 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.

C91. 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 endorsed 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 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 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 considers 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.

(g) The District Secretary 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 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 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 3 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 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 if 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 this Part, extend the appointment of an administrator at 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 this 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.

C92. 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.

C93. 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.

C94. 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 monies 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) property 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.

C95. 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 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.

(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) *"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.

(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.

C96. 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.

C97. 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.

C98. BOOKS AND RECORDS

(a) The District Secretary 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.

C99. FINANCIAL YEAR

(a) The financial year for the accounting purposes of the District will end at 30 June in each year.

C100. 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.

C101. 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.

C102. 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

(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.

C103. 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.

C104. DISSOLUTION OF THE DISTRICT

(a) If the number of Members is 21 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.

C105. 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.

C106. 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;

(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.

(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 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.

C107. 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 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.

(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 (h) .

(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 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.

(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.

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(s 478)

(Matter No. RIC/2016/17)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Industrial Relations Act 1999, the amendments to rules numbered B22 and R26 of the Rules of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, have been approved and registered on 31 March 2016.

Dated at Brisbane this thirty-first day of March 2016.

[redacted]
Deputy Industrial Registrar

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INDUSTRIAL REGISTRAR
16 MAR 2017
QUEENSLAND

INDUSTRIAL REGISTRAR

Industrial Relations Act 2016, section 665

(Matter No. BRO/2017/24)

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

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 Rayner c/o 16 Campbell Street, Bowen Hills in the State of Queensland being the Union Secretary and Stephen Smyth c/o Level 2, 61 Bowen Street, Spring Hill in the State of Queensland being the Union President of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ') apply to the Registrar for:

1. an approval for amendment to the rules of the CFMEUQ State Construction and General Division under Chapter 12, Part 6, Division 2, Sub-Division 2, sections 665 – 667 of the *Industrial Relations Act 2016* (Qld) ('the Act') and attached as Schedule 1 a statement, of Stephen Smyth, of those matters required by the Act to be stated.

Attached to this application is:

(a) a copy of the resolution passed by the State Divisional Council of the CFMEUQ State Construction and General Division relating to the proposed amendments to the Part B rules of the CFMEUQ, annexed and marked "SSI".

Further 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; and

(d) place of time and hearing.

Michael Rayner
Union Secretary
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Date: 15 March 2017

Stephen Smyth
Union President
Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland
Date: 15 March 2017

Current Rule	Proposed Changes to Rule	Proposed New Rule
63. DEFINITIONS ... (b) In these Part 8 rules: .. (xxi) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June of the year next following.	The Division resolves to delete rule 63(b)(xxi) and insert: (xxi) a reference to "financial year" is a reference to the period provided for in sub rule 618(a);	63. DEFINITIONS ... (b) In these Part 8 rules: .. (xxi) a reference to "financial year" is a reference to the period provided for in sub rule 618(a);
618. 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 Division Executive determines.	The Division resolves to delete rule 618(a) and insert: (a) the financial year of the State Division is the 12 month period commencing on 1st April and ending the 31st of March or such other period as the State Division Executive determines.	618. FINANCIAL YEAR a) The financial year of the State Division is the 12 month period commencing on 1st April and ending the 31st of March or such other period as the State Division Executive determines.

INDUSTRIAL REGISTRAR
15 MAR 2017
QUEENSLAND

Schedule 1

I, Stephen Smyth, Union President of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ"), solemnly and sincerely affirm and declare, as follows.

1. I am the Union President of the CFMEUQ.

2. I am informed by Michael Ravbar, Union Secretary, and believe, that:

(a) he is the Union Secretary of the CFMEUQ;

(b) he is authorised to make this application under rule A37(1) of the Part A Rules of the CFMEUQ:

A37. 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 proposed.
(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 approve the amendment.
(e) The Part B and C rules may only be amended by the respective Divisions 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 the amendment.

(emphasis added)

(c) he is the State Secretary of the CFMEUQ State Construction and General Division ("the State Division");

(d) rule B74 of the rules of the State Division provide for amendment of the rules of the State Division:

(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, videolink, 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.

(emphasis added)

(e) on 24 February 2017, the members of the State Divisional Council unanimously determined to waive, pursuant to rule B74(b), the giving of notice under rule B74(a) of the proposed amendment;

(f) at the State Divisional Council meeting held on 24 February 2017 the proposed amendment was:

(i) moved by Ian McKewin; and

(ii) seconded by Keith Murphy;

(g) the result of the ballot was unanimously in favour of amending rule B3(b)(vix) and B18(a) in accordance with the amendments proposed;

(h) the meeting of 24 February 2017 was quorate;

(i) as Union Secretary he was 'notified' and 'advised' of the proposed amendment of the rules of the State Division when he, as State Secretary, became aware of the unanimous resolution of the State Divisional Council;

INDUSTRIAL REGISTRY
Department 15 MAR 2017
QUEENSLAND

(Name of the Person Commissioner for Declarations/Lawyer)

(j) upon being advised of the resolution to amend, as Union Secretary, he has promptly made application (together with me) to the Registrar for certification of the amendment to the rules of the State Division;

(k) the rules of the State Division have been complied with in making the application to amend these rules;

(l) the proposed amendments do not contravene the Act, another law or an industrial instrument; and

(m) the purpose of the amendment is to provide for effective and efficient governance and financial administration by ensuring the financial year of the State Organisation conforms with the financial year of the counterpart federal body registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) which has altered its' financial year and which altered financial year the proposed amendments will mirror.

3. A copy of the resolution passed by the State Divisional Council relating to the amendment to the rules of the State Division is annexed and marked "SS1".

4. Exhibited hereto and marked Schedule 2 is a schedule divided into three columns, in relation to the rule the application seeks to amend, containing:

(a) the present registered rules – column 1;

(b) an exact description of the amendment sought – column 2; and

(c) the proposed new rule incorporating the amendment: – column 3.

5. 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 the deponent at Brisbane on 15 March 2017
Before me:

Stephen Smyth
Deponent

(Justice of the Peace/Commissioner for Declarations/Lawyer)

INDUSTRIAL REGISTRAR
15 MAR 2017
QUEENSLAND

PARTICULARS OF THE APPLICANT

Name:	Mr Michael Ravbar
Title of office:	Union Secretary
Organisation:	Construction, Forestry, Mining & 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
Applicant's lawyer's name: And firm name:	Mr John Payne Hall Payne Lawyers
Lawyer's business address:	Ground Floor, 27 Peel Street SOUTH BRISBANE QLD
Address for service:	Ground Floor, 27 Peel Street SOUTH BRISBANE QLD
Phone: E-mail address :	(07) 3017 2480 johnp@hallpayne.com.au

INDUSTRIAL REGISTRAR
15 MAR 2017
QUEENSLAND

INDUSTRIAL REGISTRAR
Industrial Relations Act 2016, s 989

(Matter No. RIG/20[illegible])

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

This is the exhibit marked 'SS1' mentioned in the affidavit of Stephen Smyth affirmed before me on 15 March 2017

[signature]

(Signature - person taking affidavit eg justice of the peace etc)

Dale Kelly Blackburn

(description of person taking affidavit)

~~Solicitor of the Supreme~~ Commissioner for declarations] [lawyer] (other qualified person)

INDUSTRIAL REGISTRAR
15 MAR 2017
QUEENSLAND

Resolution

The members of the State Divisional Council of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, State Construction and General Division ("the Division") propose to amend the Part B Rules of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("the Divisional Rules").

The State Divisional Council resolves to:

1. waive the giving of notice, of the proposed amendment, under rule B74(3);
2. delete rule B9(b)(ii)(A) and insert:

   (A) a reference to "financial year" is a reference to the period provided for in sub-rule B18(a);

3. delete rule B19(a) and insert:

   (a) The financial year of the State Division is the 12 month period commencing on 1st April and ending the 31st of March or such other period as the State Divisional Executive determines.

4. direct the State Secretary to advise the Union Secretary of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ") of the proposed rule amendments to the Divisional Rules and request the Union Secretary promptly make application for the certification of the proposed rule amendments;
5. authorise the State Secretary to make such amendment to the proposed rules as are necessary to ensure that they are typographically correct and comply with the law; and
6. that the State President and/or State Secretary be authorised to apply the seal to an application to which the seal may be required to be applied to effect the certification of the rule amendments.

Moved: Ian McKewin
Seconded: Keith Murphy
Carried Unanimously
Date: 24/2/17

INDUSTRIAL REGISTRAR
15 MAR 2017
QUEENSLAND

Michael Ravbar
State Secretary
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, State Construction and General Division

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 2016
(s 666)

(Matter No. RIO/2017/24)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Industrial Relations Act 2016, the amendments to rules numbered B3(b)(xiv) and B18(a) of the Rules of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, have been approved and registered on 16 March 2017.

Dated at Brisbane this sixteenth day of March 2017.

K. SHELLEY
Industrial Registrar

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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

(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.

A3. 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 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 MCQ 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;

(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 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 MCQ;

(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:

(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:

(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.

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;

(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;

(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.

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, 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 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 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 purposes 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, 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 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.

(xi) 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 Tracing 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 sectors 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, 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.

(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.

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

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.

(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 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 drainer 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.

A8. 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 MCQ considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCQ, 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 MCQ, 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

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 a geographic, occupational or industry basis and the members of the Division will be attached to the branches.

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.

(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.

(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).

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.

(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 this rule, may request to be issued with a clearance certificate by the Union Secretary.

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 MCQ concerning the resolution of disputes, other than disputes about the attachment of members, between the Divisions;

(ii) make recommendations to the MCQ 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.

(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 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.

A22. MANAGEMENT COMMITTEE QUEENSLAND

(a) The MCQ will consist of the Union Officers.

(b) The MCQ is the management committee of the Union.

A23. 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.

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.

(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 ¾ 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) ¾ 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.

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 MCQ becomes vacant from the date they have ceased to hold office.

A27. 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;

(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 A26.

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

(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.

A31. 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.

(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.

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.

(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.

A37. 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 & 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 Divisional Branch Vice- President	State Divisional Vice-President
Qld & NT Construction Workers Divisional Branch Secretary	State Secretary
Qld & NT Construction Workers Divisional Branch Assistant Secretary (Plasterers) Qld & NT Construction Workers Divisional Branch 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 (Plasterers) State Divisional 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)

(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.

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.

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.

(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.

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(j) 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 C80.

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,

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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;

(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 MCQ in relation to defects.

(d) The auditor will have power to place before the MCQ 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 MCQ will appoint an auditor qualified in accordance with this rule as a replacement.

A48. BANKING/DISBURSEMENT

(a) The MCQ may determine in relation to the Union Fund to:

(i) deposit it on current account in the financial facility that the MCQ 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.

(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.

(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 MCQ;

(B) the expenditure is within an authorised amount determined by the MCQ and to be applied for a particular purpose determined by the MCQ; or

(C) the particular transaction has been authorised the MCQ.

A49. 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.

A50. DISPUTE BETWEEN DIVISIONS

(a) Disputes between Divisions as to the attachment of members to Divisions will be determined by the MCQ, and the determination of the MCQ 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 MCQ 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 MCQ 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.

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 MCQ 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.

(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 A56 other than expulsion.

(i) The Union Secretary will inform the officer charged of the charge and the particulars of the charge by notices 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).

A56. 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 MCQ; or

(2) a Union Officer,

on any matter;

(D) obstructing:

(1) the MCQ; 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 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.

A57. 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.

A58. 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 such 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;

(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 MCQ.

(p) Provided that upon the MCQ 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.

A59. 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 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

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.

A61. 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

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;

(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:

(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.

(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.

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 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, 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.

(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 (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) 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 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

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 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	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 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.

(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
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
Coal and Metalliferous 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
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
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 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 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 Find	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 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.

(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 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 MCQ 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 SCG 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 severably 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.

(l) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (i), 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) (h) 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 Amalgamation 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 MCQ 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 B will be held by the Members set out in column A:

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 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

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.

(v) 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;

(w) 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.

(x) There will be an inaugural meeting of the State Divisional Council of the SCG Division held within two (2) months of the commencement day.

(y) There will be an inaugural meeting of the State Divisional Executive of the SCG Division held within one (1) month of the commencement day.

(z) 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 SCG Division.

(aa) 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 SCG Division.

(bb) At 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.

(cc) 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 the BLF 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.

(dd) 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.

(ee)

(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 SCG 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 BLF who were on the day prior to Amalgamation Day attached to a Branch of the BLF, 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 SCG Division set out in column B:

A	B
State Division	
Brisbane	South East Queensland
Cairns	Cairns
Dalby	Dalby
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

(ff) 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.

(gg) 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.

(hh) Workplace Representatives (howsoever 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.

(ii) 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 CFMEUQ FUND	B CFMEUQ FUND
B Divisional Fund	B Divisional Fund

C District Fund	C District Fund
BLF Union Fund	B Divisional Fund

For the purposes of this sub-rule funds are inclusive of real and personal property.

(jj) The liabilities of the State Division on the day preceding Amalgamation Day will be the liabilities of the SCG Division on Amalgamation Day.

(kk) The liabilities of the District will be the liabilities of the District on Amalgamation Day.

(ll) The liabilities of the BLF will become the liabilities of the SCG Division on Amalgamation Day.

(mm) The liabilities of the CFMEUQ and the BLF will become the liabilities of the Amalgamated Union on Amalgamation Day.

(nn) Any affiliation to a state or national organisation by the CFMEUQ or the BLF will be maintained by the Amalgamated Union subject to these rules.

(oo) 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.

(pp) 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.

(qq) 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.

(rr) 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.

(ss) 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.

(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 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.

(vv) The Auditor of the District 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 BLF as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) 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.

(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.

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 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 Senior Vice-President;

(C) State Divisional Vice-President;

(D) State Secretary;

(E) 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) "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 provided for in sub-rule B18(a);

(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 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.

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.

(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 (l) 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.

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.

B6. 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.

B6A. 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.

(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).

B7. 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 B9, 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.

B8. 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.

B9. 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.

(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, 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.

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”)

(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 Pompuraaw;

(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 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 (vi)(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:

    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.

(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.

(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.

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 (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 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

(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 (f), 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.

(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 commencing on 1St April and ending the 31st of March 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

(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.

(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 this 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 B68.

B22. DUTIES OF THE STATE DIVISIONAL PRESIDENT

(a) The State Divisional President will preside at all meetings:

(i) of the State Divisional Council; and

(ii) of the State Divisional Executive; and

(iii) of the State Divisional Convention; and

(iv) of the 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.

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.

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 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, 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) Commissions; 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.

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 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.

(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.

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 (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 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,

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 those 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 conduced in accordance with rules B27-60.

B29. 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 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:

(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).

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.

(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.

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.

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 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.

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.

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.

(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.

(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

(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.

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 49 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 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.

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.

B49. 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.

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.

(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.

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

(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.

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:

(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 such 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 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.

B59. 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.

(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

(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, it 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.

B63. 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.

(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 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.

(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

(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.

(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]".

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 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.

B66. 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.

B67. 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.

B68. 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, OK 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 (f), 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 B68.

(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.

B69. 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.

(k) The provisions of rule B67 will apply to the hearing of any charge or allegation made under this rule.

B70. 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 these 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 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.

B71. INTERPRETATION OF DIVISIONAL RULES

(a) The State Divisional Council will interpret all rules of the State Division requiring interpretation.

B72. 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.

B73. 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.

B74. 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, videolink, 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.

B75. 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 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.

B76. 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.

B77. 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 B73 does not apply to amendment of the administrative regulations.

B78. 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.

B79. 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.

B80. 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 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.

(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 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) .

(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 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.

(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 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 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.

B81. 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.

MINING, ENERGY AND PORTS DISTRICT

PART C RULES

C1. NAME

(a) The name of the division is the Mining, Energy and Ports District.

C2. OFFICE

(b) 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.

C3. 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 C94;

(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 C46 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 Districts accounts are made up and correctly record and explain the Districts 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.

C4. 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 Union's 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.

C5. 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

(ii) particulars relating to the new members admitted which are required for completion of the District Register.

C6. 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.

(g) The District Secretary will, at the time of entering an officers 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.

C7. 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.

C8. 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.

C9. 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.

C10. 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.

C11. 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 and the member otherwise becoming a financial member of the CFMEU; 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.

C12. 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;

(x) inspect, in accordance with these Part C rules, the District Register;

(xi) inspect, in accordance with these Part C rules, the District Officers Register;

(xii) inspect, in accordance with these Part C rules, the minutes of the District;

(xiii) receive, subject to rule C20, a copy of these District rules or of the Union's rules; and

(xiv) access the District's services.

C13. 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.

C14. 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.

C15. 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.

C16. 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

(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.

C17. 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 became 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.

C18. 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:

(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.

C19. 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.

C20. 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 $5.

(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.

C21. DISTRICT POLICY

(a) District Policy is binding on the:

(i) District Convention;

(ii) District Board;

(iii) District Executive;

(iv) District Administration Committee;

(v) District Officers;

(vi) District Lodges; and

(vii) members,

provided that District Policy can only be amended in accordance with these District rules.

C22. 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.

C23. 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.

C24. 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

(ii) 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.

C25. 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.

(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 (c) become District Policy.

C26. 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.

C27. 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 C82, 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;

(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 fulltime 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 C82.

(c) The affiliations of the District will be as determined by the District Board subject to these District rules.

C28. 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.

(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 either for, or against, the proposition in each matter the subject of a ballot 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.

C29. 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:

(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 (e), 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.

(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.

C30. 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 (c) become District Policy.

C31. 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.

C32. 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.

C33. 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:

(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 C53;

(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)

(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.

C34. 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

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.

C35. 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.

C36. 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

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.

C37. 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.

C38. 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 matters 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.

C39. 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;

(ii) 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;

(iii) 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.

C40. DISTRICT EXECUTIVE VICE-PRESIDENT

(a) The District Executive Vice-President will:

(i) act in conjunction with the:

(A) District President; and

(B) District Secretary,

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.

C41. 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.

C42. 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:

(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

(viii) with the concurrence of the District President, call in all cases of emergency, a special District Board meeting.

C43. 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, Sonoma Leighton;

(ii) District Section Two - Goonyella Riverside BMA, Peak Downs and Moranbah North, Boom Logisitics, Broadmeadow BMA, Carborough Downs, McMahons Goonyella Riverside;

(iii) District Section Three - Bundoora, Foxleigh, Grasstree, Saraji, Norwich Park, Oaky Creek No 1, Oaky North, Blair Athol, German Creek Open Cut;

(iv) District Section Four - Gregory, Crinum, RUS Mining Crinum, Yongala (Ensham) , Callide Valley, Moura;

(v) District Section Five - Blackwater No 1, Curragh, Curragh North, Jellinbah;

(vi) District Section Six - Tarong Coal Mine, New Oakleigh, New Acland, Commodore Open Cut, Kogan Creek Coal Mine, Kogan Creek Power Station, Wilkie Creek, West Moreton;

(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 (e), 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) commonality 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.

C44. 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.

C45. QUADRENNIAL ELECTIONS

(a) This rule will operate from 2016.

(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.

C46. 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.

(vii) "member" means a Member of the District.

(viii) "return envelope" see rule C59(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 C66.

(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).

C47. 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.

C48. 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.

C49. 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.

C50. 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 members 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;

(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.

C51. 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.

C52. 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.

C53. 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.

C54. 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.

C55. 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.

C56. 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 C55; 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 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 of the election must give the person the copy, free of charge.

C57. 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.

C58. 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.

C59. 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.

C60. 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.

C61. 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.

C62. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

C63. 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 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(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.

C64. 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.

C65. 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.

C66. 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.

C67. SCRUTINEERS' RIGHTS

(a) Subject to rule C66, 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.

C68. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule C67 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.

C69. 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.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers 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 (b); and

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

C70. 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.

C71. 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

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

C72. 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.

C73. 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 C74 and C75.

C74. 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.

C75. 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.

C76. 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.

C77. 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 or 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) <u>Processing of Charges</u>

(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 particularise 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

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) 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 C79.

(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.

C78. 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

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.

C79. 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(d) 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 notices 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.

C80. 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.

C81. 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 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.

C82. ENDORSEMENT OF DECISIONS BY DISTRICT LODGES

(a) The District Secretary 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 within 20 days, or such other time as the District Board may direct, of the date on which the District Secretary 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).

C83. 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) minesite;

(v) the number of Members at the workplace;

(vi) the commonality 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 conducted 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.

C84. DISTRICT LODGES - MANAGEMENT OF DISTRICT LODGES

(a) Each District Lodge will be managed by a District Lodge Committee consisting of a:

(i) District Lodge Chairman;

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(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.

C85. 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.

C86. DISTRICT LODGES - POWERS AND DUTIES OF DISTRICT LODGE SECRETARY/TREASURER

(a) The District Lodge Secretary/Treasurer will:

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(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 monies 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 as the District Secretary requests;

(v) promptly pay to the District Secretary 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.

C87. 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.

C88. 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 Fund 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, submit an annual return to the District Secretary 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.

C89. 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.

C90. 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.

C91. 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 endorsed 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 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 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 considers 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.

(g) The District Secretary 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 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 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 3 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 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 if 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 this Part, extend the appointment of an administrator at 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 this 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.

C92. 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.

C93. 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.

C94. 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 monies 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) property 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.

C95. 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 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.

(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) *"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.

(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.

C96. 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.

C97. 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.

C98. BOOKS AND RECORDS

(a) The District Secretary 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.

C99. FINANCIAL YEAR

(a) The financial year for the accounting purposes of the District will end at 30 June in each year.

C100. 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.

C101. 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.

C102. 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

(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.

C103. 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.

C104. DISSOLUTION OF THE DISTRICT

(a) If the number of Members is 21 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.

C105. 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.

C106. 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;

(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.

(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 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.

C107. 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 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.

(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 (h) .

(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 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.

(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.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number: R10 / 2020 / 114

Form 56 – Application to Queensland Industrial Relations Commission – chapter 12 approved form

INDUSTRIAL REGISTRAR
13 MAY 2020
QUEENSLAND

Industrial Relations Act 2016, section 989
Industrial Relations (Tribunals) Rules 2011, rules 189, 190, 193, 194, 195, 196, 197, 198, 199, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212 and 219

Information

- 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 (s 603(1)(a) and reg s 17(7))
- If the application is made by an organisation in relation to a change of list of callings (r 190(e)), amending name (r 197(e)), amending eligibility rule (r 198(e)) or deregistration (reg s 22) 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 635 it must also state the grounds on which the application is made (reg s 18(a), (b) 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. s 61(3)(c)).

For further information please contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au

Applicant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

PLEASE NOTE: If there are more than two parties to this application, please complete a **Form 1 – Parties list** and file it with this form.

Application

This is an application to the Queensland Industrial Relations Commission, pursuant to

section 666 of the Industrial Relations Act 2016 (Qld)

1. Applicant

Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland		
Name of contact person:			
Postal address:	16 Campbell Street		
	Suburb/Town BOWEN HILLS	Postcode 4006	
Phone number:	(07) 3231 4600	**Fax number:**	(07) 3231 4699
Mobile number:	-		
Email address:	qntqueries@cfmeu.org		

Does the applicant have a representative?

- (●) Yes - provide representative's details below and file a Form 33 or 34
- ( ) No

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QUIRC21614

2. Applicant's representative			
Organisation:	Hall Payne Lawyers		
Name of contact person:	Dale Blackmore		
Postal address:	Locked Bag 2013		
	Suburb/Town South Brisbane		Postcode 4101
Phone number:	3017 2400	**Fax number:**	3017 2499
Mobile number:	-		
Email address:	daleb@hallpayne.com.au		

3. Object of application:

The object of the application is to apply for a change to the rules of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('**CFMEUQ**') pursuant to section 666 of the *Industrial Relations Act 2016* (Qld) ('**Act**').

Attached to this application is an affidavit of Glenn Power, in Form 20, which states the matters required by the Act to be stated.

Annexed to the affidavit are two exhibits marked '**GP1**' and '**GP2**'.

'**GP2**' is a schedule divided into three columns as required by rule 199(d) of the *Industrial Relations (Tribunals) Rules 2011* (Qld).

INDUSTRIAL REGISTRAR
13 MAY 2020
QUEENSLAND

TAKE NOTICE: Please ensure that this application is accompanied by and filed with a properly completed **Form 20 – Affidavit**

4. Signature of applicant or representative	
Signature:	
Name:	Glenn Power
Position:	Union Secretary
Date:	12/05/2020

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QUEIRC 21614

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number:

REGISTRAR
13 MAY 2020
QUEENSLAND

Form20–Affidavit

Industrial Relations Act 2016, section 989
Industrial Relations (Tribunals) Rules 2011, rules 52 and 55

Information

- Please read this form carefully. Please complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the rejection of your form.
- Once your form has been processed the Industrial Registry will contact you and provide you with a sealed copy of your application.
- Practice Note 1 of 2018 - ELECTRONIC FILING AND HARD COPIES OF DOCUMENTS. Documents which are longer than 30 pages in length must be supplied to the Industrial Registry in hard copy before it will be accepted for filing.

For further information please contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au

Applicant/Appellant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

PLEASE NOTE: If there are more than two parties to this application, please complete a **Form I – Parties list** and file it with this form. This affidavit is filed for the ☑ applicant ☐ respondent *(or as the case may be)*

I, Glenn Power, Union Secretary of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (**'CFMEUQ'**), solemnly and sincerely affirm and declare as follows:

1. I am the Union Secretary of the CFMEUQ and I am authorised to make this application under rules A57(f) CFMEUQ Rules:

> ***A57. 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.*
>
> (emphasis added)

2. I am informed by, and believe, Michael Ravbar that:

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(a) he is the State Secretary of the CFMEUQ, Queensland Northern Territory Divisional Branch of the Construction and General Division ('**QNTDB**');

(b) rule B74 of the CFMEUQ Part B Rules provides for the amendment of the Part B Rules:

> ***B74. 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, videolink, 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.*

(c) on 27 March 2020, Michael Ravbar forwarded a notice to the members of the State Divisional Council of a meeting to be held on 3 April 2020 to consider proposed rule changes;

(d) on 3 April 2020:

(i) the State Divisional Council met via teleconference;

(ii) each member of the State Divisional Council consented to waive notice of a proposal to amend the CFMEUQ, Part B Rules in accordance with rule B74(b);

(iii) the proposed amendment was:

A moved by Peter Close; and

B seconded by Andrew Clark; and

(iv) approved the proposed amendment unanimously;

(e) a copy of the resolution passed by the State Divisional Council relating to the amendment to the CFMEUQ Part B Rules is annexed and marked '**GP1**';

(f) the CFMEUQ Rules have been complied with in making the application to amend the rules;

(g) the State Divisional Council has consequently determined to amend the CFMEUQ Part B Rules;

(h) the proposed amendment does not contravene the Act, another law or an industrial instrument; and

(i) the purpose of the amendment is:

(i) to provide flexibility in respect of the nature of the office of State Divisional President, where currently the office of Divisional President must be a full time office under the CFMEU rules; and

(ii) correct rule B15(b)(viii) in so far as it applies to the election of the two State Divisional Vice Presidents.

3. Exhibited hereto and marked '**GP2**' is a schedule divided into three columns, in relation to the rules this application seeks to amend, containing:

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(a) the present registered rule in column 1;

(b) an exact description of the amendment sought in column 2; and

(c) the proposed new rules incorporating the amendment in column 3.

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.

Signature	
Signature:	Glenn Power
Name:	Glenn Power
Date:	12 / 05 / 20

Taken by	
Sworn/Affirmed by the deponent at:	Brisbane
on:	12 / 05 / 2020
Signature:	
Print name:	Dale Kelly Blackmore

~~Justice of the peace/commissioner for declarations~~/lawyer/~~other qualified person~~

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number: / /

Form 21 – Certificate of exhibit to affidavit

Industrial Relations Act 2016, section 989
Industrial Relations (Tribunals Rules) 2011, rule 53

Applicant/Appellant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

v

Respondent:	

This is the	
Name of document:	a copy of the resolution passed by the State Divisional Council
Marked:	GP1
mentioned in the affidavit of	Glenn Power

Sworn/Affirmed by the deponent at:	Brisbane
on:	12/05/20
Signature:	
Print name:	Dale Kelly Blackmore
~~justice of the peace~~/commissioner for declarations/lawyer/~~other qualified~~ person	

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QUEIRC21614

Rule Change

The State Divisional Council, having considered the report of the State Secretary determines:

1. to amend the Part B Rules of the CFMEUQ by:

   (a) renumbering sub-rules B3(a)(xv) to B3(a)(xxi) as respectively B3(a)(xvi) to B3(a)(xxii);

   (b) inserting immediately following sub-rule B3(a)(xiv):

   (xv) "Quadrennial Elections" means an election held each 4 years in accordance with the election procedures;

   (c) deleting rule B14 in its entirety and inserting in lieu a new rule B14 as follows:

   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) two (2) State Divisional Vice-Presidents;
   (iv) State Secretary;
   (v) 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);
   (vi) two (2) State Divisional Executive members; and
   (vii) State Divisional Council members.

   (d) deleting rule B15 in its entirety and and inserting in lieu a new rule B15 as follows:

   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 Pompuraaw;
   (N) Shire of Aurukun;
   (O) Napranum Shire;
   (P) Shire of Mapoon;
   (Q) Northern Peninsula Area Region;
   (R) Palm Island Regional Council;
   (S) Torres Strait & Torres Strait Regional Council;
   (T) Shire of Mareeba; and
   (U) Shire of Douglas.

   (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) Noosa;
   (H) Redland;
   (I) Scenic Rim;

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(J) Somerset; and
(K) Sunshine Coast.

(b) The State Divisional Council will, subject to this rule, consist of:
(i) the State Divisional President;
(ii) two (2) State Divisional Senior Vice-Presidents;
(iii) two (2) State Divisional Vice-Presidents;
(iv) the State Secretary;
(v) three (3) State Divisional Assistant Secretaries;
(vi) two (2) State Divisional Executive Members;
(vii) one (1) member on the State Divisional Council who shall be elected by, and from, those members eligible for membership under rule A7 section A(e); and
(viii) 11 members on the State Divisional Council who will be elected by, and from, the following two (2) groups of members:
(A) eight (8) State Divisional Council members who will be elected by, and from, the members who reside in South East Queensland; and
(B) three (3) State Divisional Council members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least one (1) of those State Divisional Council members will be elected from the members who reside in North Queensland,

subject to:

1. the State Divisional Council member/s to be elected under:
   a. paragraph (viii)(A) being reduced by one (1) if the State Divisional President resides in South East Queensland;
   b. paragraph (viii)(B) being reduced by one (1) if the State Divisional President resides in Regional Queensland; or
   c. paragraph (vii) being reduced by one (1) if the State Divisional President is eligible for membership under rule A7 section A(e);
2. the State Divisional Council member/s to be elected under:
   a. paragraph(viii)(A) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Senior Vice-Presidents resides in South East Queensland;
   b. paragraph (viii)(B) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Senior Vice-Presidents resides in Regional Queensland; and/or
   c. paragraph (vii) being reduced by one (1) if a State Divisional Senior Vice-President is eligible for membership under rule A7 section A(e);
3. the State Divisional Council members to be elected under:
   a. paragraph (viii)(A) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in South East Queensland;
   b. paragraph (viii)(B) is to be reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in Regional Queensland; and/or
   c. paragraph (vii) being reduced by one (1) if a State Divisional Executive Member is eligible for membership under rule A7 section A(e).

(c) The offices of:
(i) State Divisional President;
(ii) State Secretary; and
(iii) State Divisional Assistant Secretary;
are the only offices which may, subject to the provisions of this rule, be held by full time, or part time, officers.

(d) A full time officer or person employed on behalf of the State Division is not to nominate for, or hold, the office of:
(i) State Divisional Senior Vice-President; or
(ii) State Divisional Vice-President.

(e) 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 persons employed on behalf of the State Division.

(f) Subject to these State Divisional rules:
(i) the:
(A) State Secretary; and
(B) State Divisional President;
(C) State Divisional Senior Vice-Presidents;
(D) State Divisional Vice-Presidents; and

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(E) State Executive Members,

will, be elected by, and from the Members of the State Division, who are eligible to vote;

(ii) the State Divisional Assistant Secretary (Plasterers) will be elected by, and from, the Members of the State Division who are eligible for membership of the State Division under rule A7 Section A(a) and who are eligible to vote;

(iii) the State Divisional Assistant Secretary (Painters) (if any) will be elected by, and from, the Members of the State Division who are eligible for membership of the State Division under rule A7 Section A(b) and who are eligible to vote; and

(iv) the State Divisional Assistant Secretary (General) will be elected from the Members of the State Division who are eligible to vote.

(g) 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.

(h) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine, subject to this rule, the number and designation of State Divisional Assistant Secretaries to be elected.

(i) 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.

(j) 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.

(k) The State Divisional Council may, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine whether the office of State Divisional President is to be held on an honorary or full time basis following the Quadrennial Election.

(l) The State Divisional Council may where the office of State Divisional President is full time determine that:

(i) the office of State Divisional President will, with the consent of the incumbent in that office, be held on an honorary basis; or

(ii) prior to filling a casual vacancy in the office of State Divisional President that the office is, on being filled, to be held on an honorary basis.

(m) The State Divisional Council may, prior to filling a casual vacancy in the office of State Divisional President, where the office has been held on an honorary basis, determine that the office be held on a full time basis, provided that on making a determination under this sub-rule the casual vacancy will be the subject of an election under the election procedures.

(n) Where a determination has been made under sub-rule (k), that determination remains in effect unless a further determination is made under sub-rule (k) or a subsequent determination is made under sub-rules (l) or (m).

(o) For the purposes of the Quadrennial Election to be held in 2020, and without subsequent limitation to sub-rules (k), (l) or (m), the office of State Divisional President is to be honorary.

(e) deleting sub-rule B60(a) and inserting in lieu a new sub-rule B60(a) as follows:

(a) The two (2) State Divisional Vice-Presidents and one (1) member of the Executive will be elected by a collegiate electoral system.

2. waives the requirement of notice, in accordance with rule B74(b), to amend the Part B Rules of the CFMEUQ;

3. to request the State Secretary to:

(a) notify the Union Secretary of the proposed amended rules under resolution 1;

(b) request the Union Secretary promptly make application in accordance with rule A57(f) to the Registrar for certification of the proposed amended rules under resolution 1; and

(c) assist the Union Secretary to make the application for certification of the proposed amended rules under resolution 1; and

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4. to direct the State Secretary to require the Union Secretary to make other alterations, to the proposed amended rules under resolution 1, as may be required by the Queensland Industrial Relations Commission to ensure that the proposed amended rules are lawful, typographically correct and consistent with the rules of the CFMEUQ, provided that the State Secretary must not make, or permit the Union Secretary to make, an alteration to the proposed amended rules that alters the substance and intent of the proposed amended rules.

Moved: Peter Close

Seconded: Andrew Clark

Carried Unanimously

Date: 3 April 2020

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13 MAY 2020
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number: / /

Form 21 – Certificate of exhibit to affidavit

Industrial Relations Act 2016, section 989
Industrial Relations (Tribunals Rules) 2011, rule 53

Applicant/Appellant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

v

Respondent:	

This is the

Name of document:	schedule divided into three columns
Marked:	GP2

mentioned in the affidavit of Glenn Power

Sworn/Affirmed by the deponent at:	Brisbane
on:	12 / 05 / 20
Signature:	
Print name:	Dale Kelly Blechnow

~~Justice of the peace~~/commissioner for declarations/lawyer/~~other qualified person~~

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QUEIHC21614

"GP2" Table of Amendments		
Column 1 – Present Registered Rule	**Column 2 – Description of the Amendment Sought**	**Column 3 – Proposed New Rule**
B3. DEFINITIONS (a) In these Part B rules, unless the contrary intention appears: ... (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;	Renumbering sub-rules B3(a)(xv) to B3(a)(xxi) as respectively B3(a)(xvi) to B3(a)(xxii)	B3. DEFINITIONS (a) In these Part B rules, unless the contrary intention appears: ... (xvi) "Register" means the register of members maintained by the State Secretary in accordance with rule B12(a); (xvii) "State Division" means the State Construction and General Division; (xviii) "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; (xix) "State Divisional Executive" means the committee of management of the State Division as provided by rule B19;

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(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.		(xx) "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; (xxi) "State Secretary" means the secretary of the State Division; (xxii) "Union" means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.
B3. DEFINITIONS (a) In these Part B rules, unless the contrary intention appears: ... (xiv) "principal office" means the place of business provided for by rule B2;	Inserting immediately following sub-rule B3(a)(xiv): *(xv) "Quadrennial Elections" means an election held each 4 years in accordance with the election procedures;*	B3. DEFINITIONS (a) In these Part B rules, unless the contrary intention appears: ... (xiv) "principal office" means the place of business provided for by rule B2; (xv) "Quadrennial Elections" means an election held each 4

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		years in accordance with the election procedures; ...
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	Deleting rule B14 in its entirety and inserting in lieu a new rule B14 as follows: *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) two (2) State Divisional Vice-Presidents;* *(iv) State Secretary;* *(v) 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);* *(vi) two (2) State Divisional Executive members; and* *(vii) State Divisional Council members.*	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) two (2) State Divisional Vice-Presidents; (iv) State Secretary; (v) 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);

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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.		(vi) two (2) State Divisional Executive members; and (vii) State Divisional Council members.
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;	deleting rule B15 in its entirety and inserting in lieu a new rule B15 as follows: *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 Pompuraaw;* *(N) Shire of Aurukun;* *(O) Napranum Shire;* *(P) Shire of Mapoon;* *(Q) Northern Peninsula Area Region;* *(R) Palm Island Regional Council;*	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;

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(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 Pompuraaw;

(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;

(S) Torres Strait & Torres Strait Regional Council;

(T) Shire of Mareeba; and

(U) Shire of Douglas.

(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) Noosa;

(H) Redland;

(I) Scenic Rim;

(J) Somerset; and

(K) Sunshine Coast.

(b) The State Divisional Council will, subject to this rule, consist of:

(i) the State Divisional President;

(ii) two (2) State Divisional Senior Vice-Presidents;

(iii) two (2) State Divisional Vice-Presidents;

(iv) the State Secretary;

(v) three (3) State Divisional Assistant Secretaries;

(vi) two (2) State Divisional Executive Members;

(vii) one (1) member on the State Divisional Council who shall be elected by, and from, those members eligible for membership under rule A7 section A(e); and

(viii) 11 members on the State Divisional Council who will be elected by, and

(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 Pompuraaw;

(N) Shire of Aurukun;

(O) Napranum Shire;

(P) Shire of Mapoon;

(Q) Northern Peninsula Area Region;

(R) Palm Island Regional Council;

(S) Torres Strait & Torres Strait Regional Council;

(T) Shire of Mareeba; and

(U) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

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(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;

from, the following two (2) groups of members:

(A) eight (8) State Divisional Council members who will be elected by, and from, the members who reside in South East Queensland; and

(B) three (3) State Divisional Council members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least one (1) of those State Divisional Council members will be elected from the members who reside in North Queensland,

subject to:

1. *the State Divisional Council member/s to be elected under:*
   a. *paragraph (viii)(A) being reduced by one (1) if the State Divisional President resides in South East Queensland;*
   b. *paragraph (viii)(B) being reduced by one (1) if the State Divisional President resides in Regional Queensland; or*
   c. *paragraph (vii) being reduced by one (1) if the State Divisional President is eligible for membership under rule A7 section A(e);*
2. *the State Divisional Council member/s to be elected under:*
   a. *paragraph(viii)(A) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Senior Vice-Presidents resides in 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) Noosa;

(H) Redland;

(I) Scenic Rim;

(J) Somerset; and

(K) Sunshine Coast.

(b) The State Divisional Council will, subject to this rule, consist of:

(i) the State Divisional President;

(ii) two (2) State Divisional Senior Vice-Presidents;

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(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

   b. paragraph (viii)(B) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Senior Vice-Presidents resides in Regional Queensland; and/or

   c. paragraph (vii) being reduced by one (1) if a State Divisional Senior Vice-President is eligible for membership under rule A7 section A(e);

3. the State Divisional Council members to be elected under:

   a. paragraph (viii)(A) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in South East Queensland;

   b. paragraph (viii)(B) is to be reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in Regional Queensland; and/or

   c. paragraph (vii) being reduced by one (1) if a State Divisional Executive Member is eligible for membership under rule A7 section A(e).

(c) The offices of:

(i) State Divisional President;

(ii) State Secretary; and

(iii) State Divisional Assistant Secretary;

(iii) two (2) State Divisional Vice-Presidents;

(iv) the State Secretary;

(v) three (3) State Divisional Assistant Secretaries;

(vi) two (2) State Divisional Executive Members;

(vii) one (1) member on the State Divisional Council who shall be elected by, and from, those members eligible for membership under rule A7 section A(e); and

(viii) 11 members on the State Divisional Council who will be elected by, and from, the following two (2) groups of members:

(A) eight (8) State Divisional Council members who will be elected by, and from, the members who reside in South East Queensland; and

(B) three (3) State Divisional Council members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least one (1) of those State Divisional Council

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South East Queensland;

b. 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 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

are the only offices which may, subject to the provisions of this rule, be held by full time, or part time, officers.

(d) A full time officer or person employed on behalf of the State Division is not to nominate for, or hold, the office of:
(i) State Divisional Senior Vice-President; or
(ii) State Divisional Vice-President.

(e) 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 persons employed on behalf of the State Division.

(f) Subject to these State Divisional rules:
(i) the:
(A) State Secretary; and
(B) State Divisional President;
(C) State Divisional Senior Vice-Presidents;
(D) State Divisional Vice-Presidents; and
(E) State Executive Members,
will, be elected by, and from the Members of the State Division, who are eligible to vote;
(ii) the State Divisional Assistant Secretary (Plasterers) will be elected by, and from, the Members of the State Division who are eligible for membership of the State Division under rule A7 Section A(a) and who are eligible to vote;
(iii) the State Divisional Assistant Secretary (Painters) (if any) will be elected by, and from, the Members of the State Division who are eligible for membership of the State Division under rule A7 Section A(b) and who are eligible to vote; and
(iv) the State Divisional Assistant Secretary (General) will be elected

members will be elected from the members who reside in North Queensland,

subject to:

1. the State Divisional Council member/s to be elected under:

a. paragraph (viii)(A) being reduced by one (1) if the State Divisional President resides in South East Queensland;

b. paragraph (viii)(B) being reduced by one (1) if the State Divisional President resides in Regional Queensland; or

c. paragraph (vii) being reduced by one (1) if the State Divisional President is eligible for membership under rule A7 section A(e);

2. the State Divisional Council member/s to be elected under:

a. paragraph(viii)(A) being reduced by one (1) or

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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:

   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;

from the Members of the State Division who are eligible to vote.

(g) 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.

(h) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine, subject to this rule, the number and designation of State Divisional Assistant Secretaries to be elected.

(i) 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.

(j) 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.

(k) The State Divisional Council may, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine whether the office of State

more if, one (1) or more as the case may be, of the State Divisional Senior Vice-Presidents resides in South East Queensland;

   b. paragraph (viii)(B) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Senior Vice-Presidents resides in Regional Queensland; and/or

   c. paragraph (vii) being reduced by one (1) if a State Divisional Senior Vice-President is eligible for membership under rule A7 section A(e);

3. the State Divisional Council members to be elected under:

   a. paragraph (viii)(A) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in South East Queensland;

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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

Divisional President is to be held on an honorary or full time basis following the Quadrennial Election.

(l) The State Divisional Council may where the office of State Divisional President is full time determine that:

(i) the office of State Divisional President will, with the consent of the incumbent in that office, be held on an honorary basis; or

(ii) prior to filling a casual vacancy in the office of State Divisional President that the office is, on being filled, to be held on an honorary basis.

(m) The State Divisional Council may, prior to filling a casual vacancy in the office of State Divisional President, where the office has been held on an honorary basis, determine that the office be held on a full time basis, provided that on making a determination under this sub-rule the casual vacancy will be the subject of an election under the election procedures.

(n) Where a determination has been made under sub-rule (k), that determination remains in effect unless a further determination is made under sub-rule (k) or a subsequent determination is made under sub-rules (l) or (m).

(o) For the purposes of the Quadrennial Election to be held in 2020, and without subsequent limitation to sub-rules (k), (l) or (m), the office of State Divisional President is to be honorary.

   b. paragraph (viii)(B) is to be reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in Regional Queensland; and/or

   c. paragraph (vii) being reduced by one (1) if a State Divisional Executive Member is eligible for membership under rule A7 section A(e).

(c) The offices of:

   (i) State Divisional President;

   (ii) State Secretary; and

   (iii) State Divisional Assistant Secretary;

are the only offices which may, subject to the provisions of this rule, be held by full time, or part time, officers.

(d) A full time officer or person employed on behalf of the State Division is not to nominate for, or hold, the office of:

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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.

(d) A full time officer or employee of the State Division is not eligible to stand for the position of:

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(i) State Divisional Senior Vice-President; or

(ii) State Divisional Vice-President.

(e) 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 persons employed on behalf of the State Division.

(f) Subject to these State Divisional rules:

(i) the:

(A) State Secretary; and

(B) State Divisional President;

(C) State Divisional Senior Vice-Presidents;

(D) State Divisional Vice-Presidents; and

(E) State Executive Members,

will, be elected by, and from the Members of the State Division, who are eligible to vote;

(ii) the State Divisional Assistant Secretary (Plasterers) will be elected by, and from, the Members of the

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(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;



State Division who are eligible for membership of the State Division under rule A7 Section A(a) and who are eligible to vote;

(iii) the State Divisional Assistant Secretary (Painters) (if any) will be elected by, and from, the Members of the State Division who are eligible for membership of the State Division under rule A7 Section A(b) and who are eligible to vote; and

(iv) the State Divisional Assistant Secretary (General) will be elected from the Members of the State Division who are eligible to vote.

(g) 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.

(h) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine, subject to this rule, the number and designation of State

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(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.

(i) The State Divisional Council will, not less than 3 months prior to the opening

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Divisional Assistant Secretaries to be elected.

(i) 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.

(j) 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.

(k) The State Divisional Council may, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine whether the office of State Divisional President is to be held on an

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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.



honorary or full time basis following the Quadrennial Election.

(l) The State Divisional Council may where the office of State Divisional President is full time determine that:

(i) the office of State Divisional President will, with the consent of the incumbent in that office, be held on an honorary basis; or

(ii) prior to filling a casual vacancy in the office of State Divisional President that the office is, on being filled, to be held on an honorary basis.

(m) The State Divisional Council may, prior to filling a casual vacancy in the office of State Divisional President, where the office has been held on an honorary basis, determine that the office be held on a full time basis, provided that on making a determination under this sub-rule the casual vacancy will be the subject of an election under the election procedures.

(n) Where a determination has been made under sub-rule (k), that determination remains in effect unless a further determination is made under sub-rule (k) or a subsequent determination is made under sub-rules (l) or (m).

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		(o) For the purposes of the Quadrennial Election to be held in 2020, and without subsequent limitation to sub-rules (k), (l) or (m), the office of State Divisional President is to be honorary.
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. ...	Deleting sub-rule B60(a) and inserting in lieu a new sub-rule B60(a) as follows: *(a) The two (2) State Divisional Vice-Presidents and one (1) member of the Executive will be elected by a collegiate electoral system.*	B60. ELECTIONS FROM STATE DIVISIONAL COUNCIL (a) The two (2) State Divisional Vice-Presidents and one (1) member of the Executive will be elected by a collegiate electoral system. ...

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QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 2016
(s 666)

(Matter No. RIO/2020/114)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Industrial Relations Act 2016, the amendments to rules renumbering sub-rules B3(a)(xv) to B3(a)(xxi), amendments to rules B14, B15, and B60 of the Rules of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, have been approved and registered on 21 May 2020.

Dated at Brisbane this twenty first day of May 2020.



M. SHELLEY
Industrial Registrar

INDUSTRIAL REGISTRY OFFICIAL SEAL QUEENSLAND

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

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

STATE CONSTRUCTION & GENERAL DIVISION

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

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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

(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.

A3. 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 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

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(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 MCQ 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;

(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 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 MCQ;

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(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:

(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;

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(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:

(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.

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;

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(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;

(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;

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(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;

(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.

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

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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, 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 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 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 purposes of storing

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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, 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 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.

(xi) 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

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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 Tracing 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 sectors 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, 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

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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.

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

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.

(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 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 drainer 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.

A8. 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 MCQ considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCQ, 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 MCQ, before any amendment to these rules can occur.

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(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 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 a geographic, occupational or industry basis and the members of the Division will be attached to the branches.

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

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(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 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.

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(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.

(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).

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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).

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.

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(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.

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 this rule, may request to be issued with a clearance certificate by the Union Secretary.

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 MCQ concerning the resolution of disputes, other than disputes about the attachment of members, between the Divisions;

(ii) make recommendations to the MCQ 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;

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(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 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 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.

A22. MANAGEMENT COMMITTEE QUEENSLAND

(a) The MCQ will consist of the Union Officers.

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(b) The MCQ is the management committee of the Union.

A23. 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.

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.

(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)

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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 ¾ 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) ¾ 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.

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.

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(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 MCQ becomes vacant from the date they have ceased to hold office.

A27. ELECTION PROCEDURE DEFINITIONS

(a) Definitions:

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(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 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 A26.

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.

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(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

(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.

A31. 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.

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(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.

(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.

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

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(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.

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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.

A37. 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:

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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 Divisional Branch Vice- President	State Divisional 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	State Divisional Assistant Secretary

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Branch Assistant Secretary (Painters))	
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)

(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.

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(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.

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.

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;

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(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.

(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.

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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.

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

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(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(j) 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 C80.

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;

(ii) 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.

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(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 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 MCQ in relation to defects.

(d) The auditor will have power to place before the MCQ 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 MCQ will appoint an auditor qualified in accordance with this rule as a replacement.

A48. BANKING/DISBURSEMENT

(a) The MCQ may determine in relation to the Union Fund to:

(i) deposit it on current account in the financial facility that the MCQ determines;

(ii) deposit it on fixed deposit with any:

(A) bank; or

(B) financial institution carrying on business in the Commonwealth or elsewhere;

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(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 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.

(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 MCQ;

(B) the expenditure is within an authorised amount determined by the MCQ and to be applied for a particular purpose determined by the MCQ; or

(C) the particular transaction has been authorised the MCQ.

A49. 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;

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(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.

A50. DISPUTE BETWEEN DIVISIONS

(a) Disputes between Divisions as to the attachment of members to Divisions will be determined by the MCQ, and the determination of the MCQ 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 MCQ 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 MCQ 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.

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:

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(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 MCQ 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.

(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.

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(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 A56 other than expulsion.

(i) The Union Secretary will inform the officer charged of the charge and the particulars of the charge by notices 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).

A56. 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 MCQ; or

(2) a Union Officer,

on any matter;

(D) obstructing:

(1) the MCQ; 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 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

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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.

A57. 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.

A58. 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 such 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;

(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 MCQ.

(p) Provided that upon the MCQ 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.

A59. 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 adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

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(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.

A61. 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 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;

(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

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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.

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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.

(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 seconded will then be taken without discussion.

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 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, 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;

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(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 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 (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) following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

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(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 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 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 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.

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(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.

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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 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.

(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.

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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
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
Coal and Metalliferous Division	
No current Sub-branches	
QCEUE	
Burton Downs	Burton Downs
Collinsville	Collinsville

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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

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Saraji	Saraji
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
Tarong Power Station	Tarong Power Station
Valley Longwall	Valley Longwall

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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 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 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

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FEDFAQ Construction and General Division Divisional Fund	B Divisional Fund
CFMEUQ Union Find	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 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.

(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

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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 MCQ 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 SCG 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;

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(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 severably 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.

(l) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (i), will:

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(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) (h) 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 Amalgamation 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 MCQ 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.

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(u) On and from Amalgamation Day and up to the date members take office at the Inaugural Election the offices set out in column B will be held by the Members set out in column A:

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

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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 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

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	• 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

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.

(v) 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;

(w) 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

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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.

(x) There will be an inaugural meeting of the State Divisional Council of the SCG Division held within two (2) months of the commencement day.

(y) There will be an inaugural meeting of the State Divisional Executive of the SCG Division held within one (1) month of the commencement day.

(z) 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 SCG Division.

(aa) 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 SCG Division.

(bb) At 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.

(cc) 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 the BLF 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.

(dd) 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.

(ee)

(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 SCG 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 BLF who were on the day prior to Amalgamation Day attached to a Branch of the BLF, 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 SCG Division set out in column B:

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A	B
State Division	
Brisbane	South East Queensland
Cairns	Cairns
Dalby	Dalby
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

(ff) 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.

(gg) As soon as is practicable following amalgamation day the Union Secretary, the State Secretary and the District Secretary will call meetings of their respective

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bodies in accordance with the Part A, Part B or Part C rules and this rule, as the case may be.

(hh) Workplace Representatives (howsoever 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.

(ii) 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 CFMEUQ FUND	B CFMEUQ FUND
B Divisional Fund	B Divisional Fund
C District Fund	C District Fund
BLF Union Fund	B Divisional Fund

For the purposes of this sub-rule funds are inclusive of real and personal property.

(jj) The liabilities of the State Division on the day preceding Amalgamation Day will be the liabilities of the SCG Division on Amalgamation Day.

(kk) The liabilities of the District will be the liabilities of the District on Amalgamation Day.

(ll) The liabilities of the BLF will become the liabilities of the SCG Division on Amalgamation Day.

(mm) The liabilities of the CFMEUQ and the BLF will become the liabilities of the Amalgamated Union on Amalgamation Day.

(nn) Any affiliation to a state or national organisation by the CFMEUQ or the BLF will be maintained by the Amalgamated Union subject to these rules.

(oo) 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.

(pp) 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.

(qq) 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.

(rr) 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

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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.

(ss) 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.

(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 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.

(vv) The Auditor of the District 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 BLF as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) 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.

(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.

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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 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;

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(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;

(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) "Quadrennial Elections" means an election held each 4 years in accordance with the election procedures;

(xvi) "Register" means the register of members maintained by the State Secretary in accordance with rule B12(a);

(xvii) "State Division" means the State Construction and General Division;

(xviii) "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;

(xix) "State Divisional Executive" means the committee of management of the State Division as provided by rule B19;

(xx) "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;

(xxi) "State Secretary" means the secretary of the State Division;

(xxii) "Union" means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

(b) In these Part B rules:

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(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;

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(xiv) a reference to "financial year" is a reference to the period provided for in sub-rule B18(a);

(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 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.

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.

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(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.

(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 (l) make a determination as to the classification of the applicant for membership.

(l) The classification determined in accordance with sub-rule (k), will:

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(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.

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.

B6. 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.

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(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.

B6A. 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.

(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).

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B7. 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 B9, 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.

B8. 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;

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(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.

B9. 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

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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.

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, 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

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(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.

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:

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(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.

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) two (2) State Divisional Vice-President

(iv) State Secretary;

(v) 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);

(vi) two (2) State Divisional Executive members; and

(vii) State Divisional Council members;

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;

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(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 Pompuraaw;

(N) Shire of Aurukun;

(O) Napranum Shire;

(P) Shire of Mapoon;

(Q) Northern Peninsula Area Region;

(R) Palm Island Regional Council;

(S) Torres Strait & Torres Strait Regional Council;

(T) Shire of Mareeba; and

(U) Shire of Douglas.

(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) Noosa;

(H) Redland;

(I) Scenic Rim;

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(J) Somerset; and

(K) Sunshine Coast.

(b) The State Divisional Council will, subject to this rule, consist of:

(i) the State Divisional President;

(ii) two (2) State Divisional Senior Vice-Presidents;

(iii) two (2) State Divisional Vice-Presidents;

(iv) the State Secretary;

(v) three (3) State Divisional Assistant Secretaries;

(vi) two (2) State Divisional Executive Members;

(vii) one (1) member on the State Divisional Council who shall be elected by, and from, those members eligible for membership under rule A7 section A(e); and

(viii) 11 members on the State Divisional Council who will be elected by, and from, the following two (2) groups of members:

(A) Eight (8) State Divisional Council members who will be elected by, and from, the members who reside in South East Queensland; and

(B) Three (3) State Divisional Council members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least one (1) of those State Divisional Council members will be elected from the members who reside in North Queensland,

subject to:

1. the State Divisional Council member/s to be elected under:

a. paragraph (viii)(A) being reduced by one (1) if the State Divisional President resides in South East Queensland;

b. paragraph (viii)(B) being reduced by one (1) if the State Divisional President resides in Regional Queensland; or

c. paragraph (vii) being reduced by one (1) if the State Divisional President is eligible for membership under rule A7 section A(e);

2. the State Divisional Council member/s to be elected under:

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a. paragraph (viii)(A) being reduced by one (1) or more if one (1) or more, as the case may be, of the State Divisional Senior Vice-Presidents resides in South East Queensland;

b. paragraph (viii)(B) being reduced by one (1) or more if, one (1) or more, as the case may be, of the State Divisional Senior Vice-Presidents resides in Regional Queensland; and/or

c. paragraph (vii) being reduced by one (1) if a State Divisional Senior Vice-President is eligible for membership under rule A7 section A(e);

3. the State Divisional Council members to be elected under:

a. paragraph (viii)(A) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in South East Queensland;

b. paragraph (viii)(B) is to be reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in Regional Queensland; and/or

c. paragraph (vii) being reduced by one (1) if a State Divisional Executive Member is eligible for membership under rule A7 Section A(e).

(c) The offices of:

(i) State Divisional President;

(ii) State Secretary; and

(iii) State Divisional Assistant Secretary;

are the only offices which may, subject to the provisions of this rule, be held by full time, or part time officers.

(d) A full time officer or person employed on behalf of the State Division is not nominate for, or hold, the office of:

(i) State Divisional Senior Vice-President; or

(ii) State Divisional Vice-President.

(e) The membership of the State Divisional Council must not be comprised or more than a total of 30% of the State Division's full-time elected officers or persons employed on behalf of the State Division.

(f) Subject to these State Divisional rules:

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(i) the:

(A) State Secretary; and

(B) State Divisional President;

(C) State Divisional Senior Vice-Presidents;

(D) State Divisional Vice-Presidents; and

(E) State Executive Member,

will, be elected by, and from Members of the State Division, who are eligible to vote;

(ii) the State Divisional Assistant Secretary (Plasterers) will be elected by, and from, the Members of the State Division who are eligible for membership of the State Division under rule A7 Section A(a) and who are eligible to vote;

(iii) the State Divisional Assistant Secretary (Painters) (if any) will be elected by, and from, the Members of the State Division who are eligible for the membership of the State Division under rule A7 Section A(b) and who are eligible to vote; and

(iv) the State Divisional Assistant Secretary (General) will be elected from Members of the State Division who are eligible to vote.

(g) 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.

(h) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine, subject to this rule, the number and designation of State Divisional Assistant Secretaries to be elected.

(i) 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.

(j) 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.

(k) The State Divisional Council may, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election,

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determine whether the office of State Divisional President is to be held on an honorary or full time basis following the Quadrennial Election.

(l) The State Divisional Council may where the office of State Divisional President is full time determine that:

(i) the office of State Divisional President will, with the consent of the incumbent in that office, be held on an honorary basis; or

(ii) prior to filing a casual vacancy in the office of State Divisional President that the office is, on being filled, to be held on an honorary basis.

(m) The State Divisional Council may, prior to filling a casual vacancy in the office of State Divisional President, where the office has been held on a honorary basis, determine that the office be held on a full time basis, provided that on making a determination under this sub-rule the casual vacancy will be subject of an election under the election procedures.

(n) Where a determination has been made under sub-rule (k), that determination remains in effect unless a further determination is made under sub-rule (k) or a subsequent determination is made under sub-rules (l) or (m).

(o) For the purposes of the Quadrennial Election to be held in 2020, and without subsequent limitation to sub-rules (k), (l) or (m), the office of State Divisional President is to be honorary.

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 (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 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

(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.

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(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 (f), 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.

(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 commencing on 1St April and ending the 31st of March 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

(vii) the State Divisional Executive Member .

(b) The Divisional Executive is the management committee for the Division.

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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.

(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

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(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 this 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 B68.

B22. DUTIES OF THE STATE DIVISIONAL PRESIDENT

(a) The State Divisional President will preside at all meetings:

(i) of the State Divisional Council; and

(ii) of the State Divisional Executive; and

(iii) of the State Divisional Convention; and
(iv) of the 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.

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(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.

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.

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

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(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

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(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.

(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.

(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 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:

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(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.

(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.

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 (d); and

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(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.

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(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 those 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 conduced in accordance with rules B27-60.

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B29. 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;

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(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:

(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).

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.

(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

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(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.

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.

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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.

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.

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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 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.

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.

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.

(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.

(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.

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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

(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.

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 49 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 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.

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.



B49. 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.

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.

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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.

(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.

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(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.

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

(iv) the ballot paper does not comply with a direction given under rule B41(a)(iv); or

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(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.

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:

(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;

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(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 such 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 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.

B59. 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.

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(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 two (2) State Divisional Vice-Presidents and one (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

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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

(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, it 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

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(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.

B63. 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,

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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.

(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 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.

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(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

(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.

(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

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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]".

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 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.

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B66. 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.

B67. 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

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(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.

B68. 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

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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, OK 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 (f), 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.

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(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 B68.

(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.

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(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.

B69. 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.

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(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.

(k) The provisions of rule B67 will apply to the hearing of any charge or allegation made under this rule.

B70. 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 these 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 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.

B71. INTERPRETATION OF DIVISIONAL RULES

(a) The State Divisional Council will interpret all rules of the State Division requiring interpretation.

B72. 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.

B73. 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.

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B74. 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, videolink, 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.

B75. 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.

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(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 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

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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.

B76. 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.

B77. 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 B73 does not apply to amendment of the administrative regulations.

B78. 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:

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(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.

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B79. 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.

B80. 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 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;

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(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.

(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;

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(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) .

(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 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.

(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:

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(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 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 meeting, provided that the Member will have given notice at a previous meeting.

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(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.

B81. 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.

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MINING, ENERGY AND PORTS DISTRICT

PART C RULES

C1. NAME

(a) The name of the division is the Mining, Energy and Ports District.

C2. OFFICE

(b) 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.

C3. 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 C94;

(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 C46 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 Districts accounts are made up and correctly record and explain the Districts 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.

C4. 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

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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 Union's 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;

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(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.

C5. 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:

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(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

(ii) particulars relating to the new members admitted which are required for completion of the District Register.

C6. 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;

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(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.

(g) The District Secretary will, at the time of entering an officers 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.

C7. 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.

C8. 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.

C9. 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.

C10. LEVIES

(a) The District Board may, subject to sub-rule (d) set a levy for payment by members:

(i) of the District;

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(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.

C11. 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:

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(iii) the payment of any arrears to the CFMEU and the member otherwise becoming a financial member of the CFMEU; 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.

C12. 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;

(x) inspect, in accordance with these Part C rules, the District Register;

(xi) inspect, in accordance with these Part C rules, the District Officers Register;

(xii) inspect, in accordance with these Part C rules, the minutes of the District;

(xiii) receive, subject to rule C20, a copy of these District rules or of the Union's rules; and

(xiv) access the District's services.

C13. 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.

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(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.

C14. 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.

C15. 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.

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(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.

C16. 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

(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.

C17. 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,

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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 became 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.

C18. 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:

(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.

C19. 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.

C20. 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.

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(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 $5.

(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.

C21. DISTRICT POLICY

(a) District Policy is binding on the:

(i) District Convention;

(ii) District Board;

(iii) District Executive;

(iv) District Administration Committee;

(v) District Officers;

(vi) District Lodges; and

(vii) members,

provided that District Policy can only be amended in accordance with these District rules.

C22. 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.

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C23. 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.

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C24. 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

(ii) 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.

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(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.

C25. 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.

(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 (c) become District Policy.

C26. 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.

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C27. 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 C82, 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;

(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 fulltime and/or part-time officers and employees of the District;

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(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 C82.

(c) The affiliations of the District will be as determined by the District Board subject to these District rules.

C28. 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.

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(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.

(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 either for, or against, the proposition in each matter the subject of a ballot 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.

C29. 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:

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(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:

(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 (e), 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.

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(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.

(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.

C30. 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 (c) become District Policy.

C31. 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.

C32. 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.

C33. 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:

(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 C53;

(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)

(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.

C34. 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 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.

C35. 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.

C36. 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 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.

C37. 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.

C38. 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 matters 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.

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(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.

C39. 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;

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(ii) 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;

(iii) 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.

C40. DISTRICT EXECUTIVE VICE-PRESIDENT

(a) The District Executive Vice-President will:

(i) act in conjunction with the:

(A) District President; and

(B) District Secretary,

in transacting the general business of the District.

(ii) in conjunction with the:

(A) District President:

(1) attend to the correspondence of the District;

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(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.

C41. 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.

C42. 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:

(A) monies received;

(B) monies paid;

(C) expenses;

(D) entrance fees paid;

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(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

(viii) with the concurrence of the District President, call in all cases of emergency, a special District Board meeting.

C43. DISTRICT REPRESENTATIVES

(a) District Representatives will be elected, in accordance with these District Rules, to represent each of the following District Sections:

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(i) District Section One - Collinsville, Newlands Open Cut, Newlands Underground, North Goonyella, Burton Downs, South Walker Creek, Coppabella, Eaglefield, Millennium, Moorvale, Sonoma Leighton;

(ii) District Section Two - Goonyella Riverside BMA, Peak Downs and Moranbah North, Boom Logisitics, Broadmeadow BMA, Carborough Downs, McMahons Goonyella Riverside;

(iii) District Section Three - Bundoora, Foxleigh, Grasstree, Saraji, Norwich Park, Oaky Creek No 1, Oaky North, Blair Athol, German Creek Open Cut;

(iv) District Section Four - Gregory, Crinum, RUS Mining Crinum, Yongala (Ensham) , Callide Valley, Moura;

(v) District Section Five - Blackwater No 1, Curragh, Curragh North, Jellinbah;

(vi) District Section Six - Tarong Coal Mine, New Oakleigh, New Acland, Commodore Open Cut, Kogan Creek Coal Mine, Kogan Creek Power Station, Wilkie Creek, West Moreton;

(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 (e), 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) commonality of industrial interest of the Members concerned; and

(ii) geographical location of the Members concerned; and

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(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.

C44. 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.

C45. QUADRENNIAL ELECTIONS

(a) This rule will operate from 2016.

(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:

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(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.

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(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.

C46. 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.

(vii) "member" means a Member of the District.

(viii) "return envelope" see rule C59(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 C66.

(xi) "voter" means a person:

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(A) who is an eligible member; and

(B) whose name is on the roll.

(xii) "voting material" see rule C59(a).

C47. 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.

C48. 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.

C49. 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.

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C50. 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 members 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;

(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.

C51. 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:

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(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.

C52. 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.

C53. 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.

C54. 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

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(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.

C55. 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.

C56. 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 C55; 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 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 of the election must give the person the copy, free of charge.

C57. 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.

C58. 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.

C59. 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.

C60. 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.

C61. 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.

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(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.

C62. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

C63. 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 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(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.

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C64. 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.

C65. 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.

C66. 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.

C67. SCRUTINEERS' RIGHTS

(a) Subject to rule C66, 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.

C68. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule C67 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.

C69. 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.

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(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.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers 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 (b); and

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

C70. 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.

C71. 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

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(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

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

C72. 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.

C73. 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 C74 and C75.

C74. 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.

C75. 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.

C76. 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.

C77. 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 or 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;

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(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

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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 particularise 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 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) 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 C79.

(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.

C78. 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 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.

C79. 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;

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(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(d) 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 notices 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.

C80. 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.

C81. 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 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.

C82. ENDORSEMENT OF DECISIONS BY DISTRICT LODGES

(a) The District Secretary 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 within 20 days, or such other time as the District Board may direct, of the date on which the District Secretary 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).

C83. 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) minesite;

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(v) the number of Members at the workplace;

(vi) the commonality 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 conducted 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.

C84. DISTRICT LODGES - MANAGEMENT OF DISTRICT LODGES

(a) Each District Lodge will be managed by a District Lodge Committee consisting of a:

(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.

C85. 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.

C86. 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 monies 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 as the District Secretary requests;

(v) promptly pay to the District Secretary 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.

C87. 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.

C88. 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 Fund on behalf of the District Lodge.

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(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, submit an annual return to the District Secretary 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.

C89. 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.

C90. 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.

C91. 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;

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(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 endorsed 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 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 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 considers 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.

(g) The District Secretary 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 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 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 3 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 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;

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(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 if 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 this Part, extend the appointment of an administrator at 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):

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(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 this 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.

C92. 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.

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C93. 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.

C94. 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 monies 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;

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(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) property 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

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(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.

C95. 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 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.

(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) *"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.

(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.

C96. 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.

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C97. 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.

C98. BOOKS AND RECORDS

(a) The District Secretary 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.

C99. FINANCIAL YEAR

(a) The financial year for the accounting purposes of the District will end at 30 June in each year.

C100. 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.

INDUSTRIAL REGISTRY OFFICIAL SEAL QUEENSLAND

(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.

C101. 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.

C102. 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

(iii) expenses,

in attending meetings/conferences of, or on behalf of, the District.

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(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.

C103. 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.

C104. DISSOLUTION OF THE DISTRICT

(a) If the number of Members is 21 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.

C105. 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.

C106. 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;

(iii) District Executive;

(iv) District Administration Committee; and

INDUSTRIAL REGISTRY OFFICIAL SEAL QUEENSLAND

(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.

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(l) Sitting times for the District Board are:

Day One	8.30am	12.30 pm	Lunch 1.30pm
	5.00 pm		
Day Two	8.30 am	12.30 pm	Lunch 1.30pm
	5.00 pm		
Day Three	8.30 am	12.30 pm	Lunch 1.30pm
	5.00 pm		
Day Four	8.30 am	12.30 pm	Lunch 1.30pm
	5.00 pm		
Day Five	8.30am	12.30 pm	Lunch 1.30pm
	5.00pm		

(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.

(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 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.

C107. 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.

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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 violates 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.

(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:

INDUSTRIAL REGISTRY OFFICIAL SEAL QUEENSLAND

(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 (h) .

(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 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.

(r) A motion may be dealt with by:

(i) adoption as moved;

(ii) rejection as moved;

(iii) adoption after amendment of the subject matter.

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(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.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number: R10/2020/246

Form20–Affidavit

Industrial Relations Act **2016**, section 989
Industrial Relations (Tribunals) Rules **2011**, rules 52, 53 and 55

INDUSTRIAL REGISTRAR
11 NOV 2020
QUEENSLAND

Information

- Please read this form carefully. Please complete all relevant sections. Information that is missing or non-compliant with the relevant section of an Act or the Rules may result in the rejection of your form.
- Practice Note 1 of 2018 - ELECTRONIC FILING AND HARD COPIES OF DOCUMENTS. Documents which are longer than 30 pages in length must be supplied to the Industrial Registry in hard copy before it will be accepted for filing.

For further information please contact the Industrial Registry on 1300 592 987 or via email at qirc.registry@qirc.qld.gov.au

Applicant/Appellant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

v

Respondent:	

PLEASE NOTE: If there are more than two parties to this application, please complete a **Form I – Parties list** and file it with this form.

PLEASE NOTE: If this affidavit contains exhibits you will need to complete a **Form 21 – Certificate of exhibit to affidavit** for each exhibit.

This affidavit is filed for the ☒ applicant ☐ respondent *(or as the case may be)*

Affidavit of *(name of person making affidavit)*	
I *(Name)*:	Glenn Power
of *(Address)*:	16 Campbell Street Bowen Hills QLD 4006
Position:	Union Secretary
☐ make oath and say or ☒ solemnly and sincerely affirm and declare as follows –	

Signed: *(deponent/s to sign)*

Taken by: *(person taking the affidavit to sign)*

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I, Glenn Power, Union Secretary of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('**CFMEUQ**'), solemnly and sincerely affirm and declare as follows:

1. I am the Union Secretary of the CFMEUQ and I am authorised to make this application under rules A57(f) CFMEUQ Rules:

> ***A57. 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.*
>
> (emphasis added)

2. Each State Division, by its management committee consents to the proposed rule change in accordance with rule A57(b) and:
   (a) on 26 May 2020, the State Divisional Executive of the State Construction and General Division consented to the alteration of Part A rule A37; and
   (b) on 13 August 2020, the District Board of the Mining, Energy and Ports District consented to the alteration of Part A rule A37.
3. On 27 October 2020:
   (a) the Management Committee Queensland ('**MCQ**') of the CFMEUQ met;
   (b) the proposed amendment was:
      (i) moved by Stephen Smyth; and
      (ii) seconded by Jade Ingham; and
   (c) approved the proposed amendment unanimously of those in attendance.
4. Each member of the MCQ consented to waive notice of a proposal to amend the CFMEUQ, Part A Rules in accordance with rule A57(c).
5. A copy of the resolution passed by the MCQ relating to the amendment to the CFMEUQ Part A Rules is annexed and marked '**GP1**'.
6. The CFMEUQ Rules have been complied with in making the application to amend the rules.
7. The MCQ has consequently determined to amend the CFMEUQ Part A Rules.
8. The proposed amendment does not contravene the Act, another law or an industrial instrument.
9. The purpose of the amendment is to reflect the correct titles and nature of the offices and positions of the respective counterpart federal bodies to each of the divisions of the CFMEUQ. Correcting the nature of the offices and positions of the corresponding offices will allow elections to continue to occur by way of exemption.

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Signed: *(deponent/s to sign)* Taken by: *(person taking the affidavit to sign)*

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10. Exhibited hereto and marked **'GP2'** is a schedule divided into three columns, in relation to the rules this application seeks to amend, containing:

    (a) the present registered rule in column 1;

    (b) an exact description of the amendment sought in column 2; and

    (c) the proposed new rules incorporating the amendment in column 3.

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.

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11 NOV 2020
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Signed:
(deponent/s to sign)

Taken by:
(person taking the affidavit to sign)

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Further, I ☐ make oath and say ☐ solemnly and sincerely affirm and declare

All the facts and circumstances deposed to in this my affidavit are within my own 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.

Signature	
Signature:	
Name:	Glenn Power
Date:	10 / 11 / 2020

Taken by	
Sworn/Affirmed by the deponent at:	Bowen Hills
on:	10 / 11 / 2020
Signature:	
Print name:	Dale Kelly Blechman
~~Justice of the peace/commissioner for declarations~~/lawyer/~~other qualified~~ person	

Certificate:

Pursuant to section 55 of the *Industrial Relations (Tribunals) Rules 2011*

☐ I certify that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit.

☐ I certify that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it.

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number: / /

Form 21 – Certificate of exhibit to affidavit

Industrial Relations Act 2016, section 989
Industrial Relations (Tribunals Rules) 2011, rule 53

INDUSTRIAL REGISTRAR
11 NOV 2020
QUEENSLAND

Applicant/Appellant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

v

Respondent:	

This is the	
Name of document:	Resolution of the Management Committee Queensland
Marked:	GP1
mentioned in the affidavit of	Glenn Power

Sworn/Affirmed by the deponent at:	Bowen Hills
on:	10 / 11 / 2020
Signature:	
Print name:	Dale Kelly Blackmore

~~Justice of the peace~~/commissioner for declarations/lawyer/~~other qualified person~~

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QJEIRC 21614

1. The MCQ determines to:

(a) waives the requirement of notice, in accordance with rule A57(c), to amend the Part B Rules of the CFMEUQ;

(b) recognise the consent of the State Division and the Mining, Energy and Ports District to the proposed rule change;

(c) amend the Part A Rules by deleting Rule A37 in its entirety and inserting a new Rule A37 in its place as follows:

A37. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The offices of the Union ('state office') that correspond with the offices of the counterpart federal body ('federal office'), due to the state office being similar to the federal office, are as follows:

federal office

state office

The CFMMEU, 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 Senior 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*

The CFMMEU, C&G Division, Queensland Northern Territory Divisional Branch	***The State Construction and General Division***
Divisional Branch President	*State Divisional President*
Divisional Branch Senior Vice-President	*State Divisional Senior Vice-President*
Divisional Branch Vice-President	*State Divisional Vice-President*
Divisional Branch Secretary	*State Secretary*
Divisional Branch Assistant Secretary (Plasterers)	*State Divisional Assistant Secretary (Plasterers)*
Divisional Branch Assistant Secretary (Painters)	*State Divisional Assistant Secretary (Painters)*
Divisional Branch Assistant Secretary (General)	*State Divisional Assistant Secretary (General)*
Divisional Branch Management Committee Member – South East Queensland	*State Divisional Council Member – South East Queensland*
Divisional Branch Management Committee Member – Regional Queensland	*State Divisional Council Member – Regional Queensland*

(b) The offices of the State Construction and General Division ('state office') that correspond with the offices of the counterpart federal body ('federal office'), due to the state office being similar to the federal office, are as follows:

The CFMMEU, Manufacturing Division, Queensland Northern Territory Western Australian District	***The State Construction and General Division***
District President	*State Divisional Council Member – elected by, and from, those members eligible for membership under rule A7 section A(e)*

(c) The Union Secretary:

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QUEENSLAND

(i) will 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) will 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;

(iii) will seek, in the making of an application for exemption, that a state office set out in sub-rule (a) 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; and

(iv) if requested by the State Secretary of the State Construction and General Division to seek an exemption under sub-rule (d), will seek, in the making of an application for exemption, that the state office set out in sub-rule (b) 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.

(d) The State Executive of the State Construction and General Division may:

(i) determine that an exemption will be sought in respect of the state office set out in sub-rule (b); and

(ii) , if making a determination under paragraph (i), direct the State Secretary to request that the Union Secretary seek the application under sub-rule (c).

(e) In the event of the exemption not being granted, or being only partially granted, the Union Secretary will as soon as practicable 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.

(f) Without limitation to sub-rule (c), 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.

(g) A Secretary of a Division will do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot.

(h) In the event of the exemption not being granted, or being only partially granted, a Secretary of a Division will promptly request the Union Secretary 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 the Part B or C rules and the Union Secretary will promptly file that material.

(i) The positions of the Mining, Energy and Ports District (the 'state position') that correspond with the positions of the Counterpart Federal Body of the respective Division (the 'federal position'), due to the state positions being similar to the federal positions, are as follows:

The CFMMEU, M&E Division, Qld District Branch (for this rule the "Qld District")	The Mining, Energy and Ports District
Qld District Lodge Delegates	District Lodge Delegates
Qld District Union Inspectors	District Union Inspectors
Qld District Lodge Committee Members Lodge Committee Members	Lodge Committee Members

(j) The persons who fills the federal position will fill the state position set out in sub-rule (i) on, and from, the date that they are declared elected to the federal position.

(k) The positions of the State Construction and General Division (the 'state position') that correspond with the positions of the Counterpart Federal Body of the respective Division (the 'federal position'), due to the state positions being similar to the federal positions, are as follows:

The CFMMEU, C&G Division, Queensland Northern Territory Divisional Branch	The State Construction and General Division
Divisional Branch Organisers	State Divisional Organisers

(l) The State Executive of the State Construction and General Division may determine that the person who fills the federal position will fill the state position set out in sub-rule (k).

Moved: Stephen Smyth
Seconded: Jade Ingham
Carried: Unanimously
Date: 27 October 2020

INDUSTRIAL REGISTRAR
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number: / /

Form 21 – Certificate of exhibit to affidavit

Industrial Relations Act 2016, section 989
Industrial Relations (Tribunals Rules) 2011, rule 53

Applicant/Appellant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

v

Respondent:	

This is the	
Name of document:	Schedule divided into three columns
Marked:	GP2
mentioned in the affidavit of	Glenn Power

Sworn/Affirmed by the deponent at:	Bowen Hills
on:	10 / 11 / 2020
Signature:	
Print name:	Dale Kelly Blachnor
Justice of the peace/~~commissioner for declarations~~/lawyer/~~other qualified person~~	

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"GP2" Table of Amendments

Column 1 – Present Registered Rule	Column 2 – Description of the Amendment Sought	Column 3 – Proposed New Rule
A37. 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	Deleting Rule A37 in its entirety and inserting a new Rule A37.	**A37. COUNTERPART FEDERAL BODY ELECTION EXEMPTION** (a) The offices of the Union ('state office') that correspond with the offices of the counterpart federal body ('federal office'), due to the state office being similar to the federal office, are as follows: federal office — state office **The CFMMEU, 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 Senior Vice-President — District Executive Vice-President Qld District Vice-President — District Vice-President Qld District Secretary — District Secretary

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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	State Divisional Senior Vice-Presidents (2)

Qld District Central Councillor	District Councillor
Qld District Board Member	District Representative

The CFMMEU, C&G Division, Queensland Northern Territory Divisional Branch	**The State Construction and General Division**
Divisional Branch President	State Divisional President
Divisional Branch Senior Vice-President	State Divisional Senior Vice-President
Divisional Branch Vice-President	State Divisional Vice-President
Divisional Branch Secretary	State Secretary
Divisional Branch Assistant Secretary (Plasterers)	State Divisional Assistant Secretary (Plasterers)
Divisional Branch Assistant	State Divisional Assistant

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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 Divisional Branch Vice- President	State Divisional 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	State Divisional Assistant Secretary (Painters)
Secretary (Painters)	Secretary (Painters)
Divisional Branch Assistant Secretary (General)	State Divisional Assistant Secretary (General)
Divisional Branch Management Committee Member – South East Queensland	State Divisional Council Member – South East Queensland
Divisional Branch Management Committee Member – Regional Queensland	State Divisional Council Member – Regional Queensland

(b) The offices of the State Construction and General Division ('state office') that correspond with the offices of the counterpart federal body ('federal office'), due to the state office being similar to the federal office, are as follows:

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Divisional Branch 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

The CFMMEU, Manufacturing Division, Queensland Northern Territory Western Australian District	The State Construction and General Division
District President	State Divisional Council Member – elected by, and from, those members eligible for membership under rule A7 section A(e)

(c) The Union Secretary:

(i) will 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

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	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	Member of the State Divisional

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(ii) will 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;

(iii) will seek, in the making of an application for exemption, that a state office set out in sub-rule (a) 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; and

(iv) if requested by the State Secretary of the State Construction and General Division to seek an exemption under sub-rule (d), will seek, in the making of an application for exemption, that the state office set out in sub-rule (b) 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.

(d) The State Executive of the State Construction and General Division may:

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Executive Member	Executive (Non-Council)

(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.

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(i) determine that an exemption will be sought in respect of the state office set out in sub-rule (b); and

(ii) , if making a determination under paragraph (i), direct the State Secretary to request that the Union Secretary seek the application under sub-rule (c).

(e) In the event of the exemption not being granted, or being only partially granted, the Union Secretary will as soon as practicable 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.

(f) Without limitation to sub-rule (c), 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.

(g) A Secretary of a Division will do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot.

(h) In the event of the exemption not being granted, or being only partially granted, a Secretary of a Division will

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(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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promptly request the Union Secretary 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 the Part B or C rules and the Union Secretary will promptly file that material.

(i) The positions of the Mining, Energy and Ports District (the 'state position') that correspond with the positions of the Counterpart Federal Body of the respective Division (the 'federal position'), due to the state positions being similar to the federal positions, are as follows:

The CFMMEU, M&E Division, Qld District Branch (for this rule the "Qld District")	The Mining, Energy and Ports District
Qld District Lodge Delegates	District Lodge Delegates
Qld District Union Inspectors	District Union Inspectors
Qld District Lodge Committee Members Lodge	Lodge Committee Members

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Committee Members	

(j) The persons who fills the federal position will fill the state position set out in sub-rule (i) on, and from, the date that they are declared elected to the federal position.

(k) The positions of the State Construction and General Division (the 'state position') that correspond with the positions of the Counterpart Federal Body of the respective Division (the 'federal position'), due to the state positions being similar to the federal positions, are as follows:

The CFMMEU, C&G Division, Queensland Northern Territory Divisional Branch	**The State Construction and General Division**
Divisional Branch Organisers	State Divisional Organisers

(l) The State Executive of the State Construction and General Division may determine that the person who

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		fills the federal position will fill the state position set out in sub-rule (k).

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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Matter Number: R10 / 2020 / 2 46

Form 56 – Application to Queensland Industrial Relations Commission – chapter 12 approved form

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11 NOV 2020
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Industrial Relations Act 2016, section 989
Industrial Relations (Tribunals) Rules 2011, rules 189, 190, 193, 194, 195, 196, 197, 198, 199, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212 and 219

Information

- 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 (s 603(1)(a) and reg s 17(7))
- If the application is made by an organisation in relation to a change of list of callings (r 190(e)), amending name (r 197(e)), amending eligibility rule (r 198(e)) or deregistration (reg s 22) 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 635 it must also state the grounds on which the application is made (reg s 18(a), (b) 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, s 61(3)(c)).

For further information please contact the Industrial Registry on 1300 592987 or via email at qirc.registry@qirc.qld.gov.au

Applicant:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland

PLEASE NOTE: If there are more than two parties to this application, please complete a **Form 1 – Parties list** and file it with this form.

Application

This is an application to the Queensland Industrial Relations Commission, pursuant to

section 666 of the Industrial Relations Act 2016 (Qld)

1. Applicant

Organisation:	Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland		
Name of contact person:			
Postal address:	16 Campbell Street		
	Suburb/Town BOWEN HILLS	Postcode 4006	
Phone number:	(07) 3231 4600	**Fax number:**	(07) 3231 4699
Mobile number:	-		
Email address:	qntqueries@cfmeu.org		

Does the applicant have a representative?

(●) Yes - provide representative's details below and file a Form 33 or 34

( ) No

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2. Applicant's representative			
Organisation:	Hall Payne Lawyers		
Name of contact person:	Dale Blackmore		
Postal address:	Locked Bag 2013		
	Suburb/Town South Brisbane		Postcode 4101
Phone number:	3017 2400	**Fax number:**	3017 2499
Mobile number:	-		
Email address:	daleb@hallpayne.com.au		

3. Object of application:

rules, change of name of organisation) under (section[s] of the Act) 1000 character limit (Note: if more than 3000 characters are required please attach a schedule)

The object of the application is to apply for a change to the rules of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ('CFMEUQ') pursuant to section 666 of the Industrial Relations Act 2016 (Qld) ('Act').

Attached to this application is an affidavit of Glenn Power, in Form 20, which states the matters required by the Act to be stated.

Annexed to the affidavit are two exhibits marked 'GP1' and 'GP2'.

'GP2' is a schedule divided into three columns as required by rule 199(d) of the Industrial Relations (Tribunals) Rules 2011 (Qld).

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TAKE NOTICE: Please ensure that this application is accompanied by and filed with a properly completed **Form 20 – Affidavit**

4. Signature of applicant or representative	
Signature:	GPower
Name:	GLENN POWER
Positon:	UNION SECRETARY
Date:	10 / 11 / 2020

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QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 2016
(s 666)

(Matter No. RIO/2020/246

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Industrial Relations Act 2016, the amendments to the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland rules by deleting Rule A37 in its entirely and inserting a new Rule A37, have been approved and registered on 7 December 2020.

Dated at Brisbane this seventh day of May 2020.

M. SHELLEY
Industrial Registrar

FTHE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

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STATE 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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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

(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.

A3. 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 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

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(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 MCQ 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;

(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 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 MCQ;

(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:

(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:

(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.

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;

(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;

(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.

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, 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 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 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 purposes 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, 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 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.

(xi) 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 Tracing 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 sectors 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, 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.

(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.

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

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.

(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 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 drainer 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.

A8. 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 MCQ considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCQ, 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 MCQ, 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 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 a geographic, occupational or industry basis and the members of the Division will be attached to the branches.

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.

(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.